



The Commonwealth of Massachusetts

Department of Public Works

OCT 15 1992

DISTRICT #3 OFFICE
403 BELMONT STREET, WORCESTER 01604
P.O. BOX 885 - Worcester, MA 01613-0885

October 8, 1992

CC: BOS
D. HOWE
D. ABST

Acton Board of Selectmen
472 Main Street
Acton, MA 01720

Dear Members of the Board:

As you know, the Massachusetts Highway Department (MHD) has recently undergone a District consolidation in order to streamline its operations and to improve its service for the citizens of the Commonwealth. The consolidation, which will reduce the number of District Offices from eight to five, went into effect on October 1, 1992.

As a result of the consolidation effort, your community will no longer lie within the boundaries of District #4 but rather within the boundaries of District #3. For your convenience, I have enclosed a sketch illustrating the new District boundaries.

As the first step in the transition process, I would like to take this opportunity to introduce myself and my staff to you. My name is Peter J. Donohue and I am the District #3 Highway Director. Key contact personnel from my staff are as follows:

John T. Donohue, District Construction Engineer, ext. 12
John W. Hoey, Jr., District Projects Engineer, ext. 31
John S. Donnelly, District Maintenance Engineer, ext. 16
Milan W. Kann, District Traffic Engineer, ext. 30
Clyde L. Johnson, District State Aid Administrator, ext. 37

Our office is located on Route 9 just west of the Worcester/Shrewsbury City Line at the following address:

Massachusetts Highway Department - District #3
403 Belmont Street (Route 9), P.O. Box 885
Worcester, Massachusetts 01613-0885
Telephone No.: (508) 754-7204
FAX No.: (508) 799-9763

We have been in contact with the Arlington District Office to discuss the transition and to arrange the exchange of all plans and files related to your community. These discussions will continue as the details of the transition are finalized.

THE MASSACHUSETTS DEPARTMENT OF PUBLIC WORKS
IS NOW
THE MASSACHUSETTS HIGHWAY DEPARTMENT

Board of Selectmen

October 8, 1992

We look forward to the opportunity of establishing a close working, productive relationship with you and the other elected and appointed officials in your community and are open to any input you may have on how the Department can better serve the needs of the community.

I would like to assure you that we will do everything in our power to insure that the transition is as smooth as possible so as not to disrupt any Department activities or projects currently underway in your community.

I would be happy to meet with you and any other appropriate officials in your community to discuss any concerns you may have regarding the transition. Additionally, if there are any particular issues in your community related to the Department that warrant immediate attention, please feel free to contact me at (508) 754-7204 or at the previously listed address.

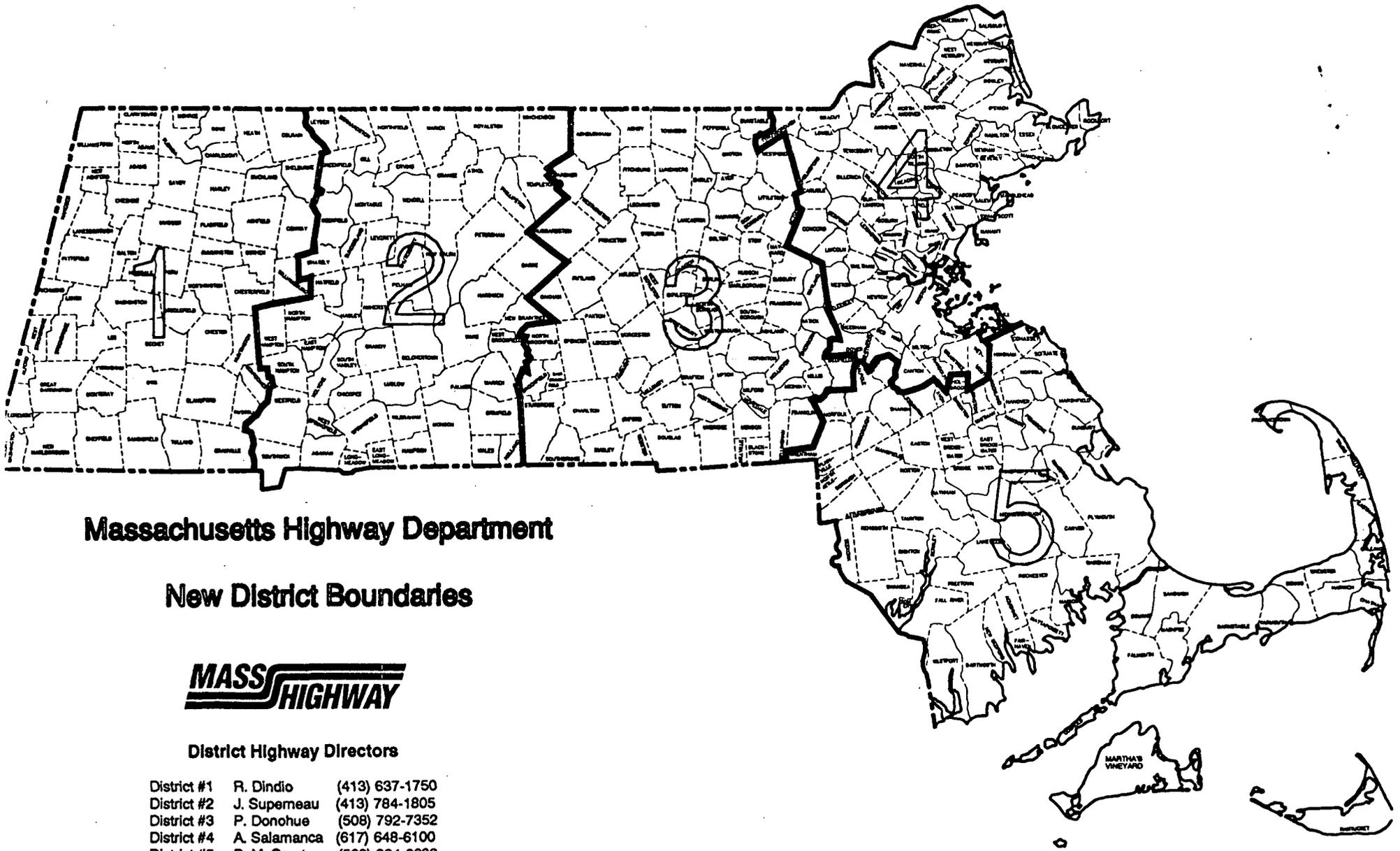
Sincerely,



Peter J. Donohue
District #3 Highway Director

PJD/PDS/pds

cc: PJD
A. Salamanca
Police Chief
Highway Superintendent
M.O. File



Massachusetts Highway Department

New District Boundaries



District Highway Directors

- District #1 R. Dindio (413) 637-1750
- District #2 J. Supemeau (413) 784-1805
- District #3 P. Donohue (508) 792-7352
- District #4 A. Salamanca (617) 648-6100
- District #5 B. McCourt (508) 824-6633

TOWN OF ACTON
INTERDEPARTMENTAL COMMUNICATION
TOWN MANAGER'S OFFICE

DATE: October 2, 1992

TO: Dore' Hunter, Selectman
FROM: Don P. Johnson, Town Manager
SUBJECT: CML Site Plan

Enclosed is a draft decision for the subject Site Plan from Garry Rhodes. Garry has been on his honeymoon for the past two (2) weeks and has been unable to proof it. I thought you might like to review what we have, just in case it might be in suitable form for action Tuesday night.

Garry will be back to work Monday morning, if you have any questions.



cc: Board of Selectmen

Site Plan Special Permit #7/24/92-336
CML Group
524 Main Street
Plan File #3318 (Hunter)

Page 1

DECISION of the Board of Selectmen (hereinafter the Board) on the petition of the CML Group (hereinafter the Petitioner) for the property located at 524 Main Street, Acton, Massachusetts. Said property is shown on Acton Town Atlas Map E4, parcel 24.

This Decision is in response to an application submitted to the Board on July 24, 1992 under Section 10.4 of the Acton Zoning Bylaw (hereinafter the Bylaw) to construct a two story 3,361 square foot addition and associated parking.

After causing notice of the time and place of the public hearing and of the subject matter thereof to be published, posted and mailed to the Petitioner, abutters and other parties in interest as required by law, the hearing was called to order on September 8, 1992 at 8:30 P.M. in the Selectmen's Hearing Room at the Acton Town Hall. Board members Nancy Tavernier, Dore' Hunter, Anne B. Fanton, Norman Lake and William C. Mullin were present throughout the proceedings.

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

Submitted for the Boards deliberation prior to the close of the hearing were the following exhibits:

Exhibit I

An application for site plan approval received July 24, 1992 signed by John E. Dunphy, Jr. agent for CML Group; Certified abutters list dated May 29, 1992; Use description; Site Plan Special Permit #3/25/82-218; Order of Conditions dated September 1, 1982; Board of Appeals 83-16, 83-11, 88-44; Drainage Calculations dated July 16, 1992; Groundwater Recharge; reduced set of building and site plans.

Exhibit II

A set of plans with the following sheets: Site Plan of Land in Acton dated July 16, 1992; Planting Plan dated July 8, 1992; Foundation Plan revised May 21, 1992; proposed first floor addition revised May 21, 1992; Proposed elevations revised May 21, 1992; North Elevation/section A sheet 5.

Exhibit III

Interdepartmental Communication (IDC) from the Building Commissioner to the Board dated August 31, 1992; IDC dated August 21, 1992 to the Town Manager from the Town Planner; IDC dated August 25, 1992 to the Town Manager from the Fire Chief; IDC dated August 14, 1992 to the Town Manager from the Municipal Properties Director; IDC to the Building Commissioner from the Conservation

Site Plan Special Permit #7/24/92-336

CML Group

524 Main Street

Plan File #3318 (Hunter)

Page 2

Administrator dated August 27, 1992; IDC from the Engineering Administrator to the Town Manager dated August 14, 1992; IDC from the Health Director to the Building Commissioner dated August 17, 1992.

Exhibit IV

A letter from the Town Manager's office dated July 28, 1992 to the CML Group; Notice of Hearing; a letter from the Town Manager's Office to the Assabet Valley Beacon dated July 28, 1992; IDC from Town Manager to Building, Planning, Engineering, Health, Conservation and Municipal Properties.

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

1.0 Findings and Conclusions

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

- 1.1 This site is located in the Light Industrial I District and the use is nonconforming. The Board of Appeals granted a Special Permit to expand the use at Hearing 92-12.
- 1.2 The site is located in Zone 4 of the Ground Water Protection District.
- 1.3 The Petitioner requested variances from the Board of Appeals to decrease the maneuvering aisle from 24 feet to 20 feet and to modify an existing variance to allow increased reserve parking. The Board of Appeals has granted these requests.
- 1.4 The site does not have a septic system large enough to support the proposed system. The Petitioner will need to meet Board of Health regulations as to size, location and design.
- 1.5 The Petitioner has shown that the proposed addition will produce less than an additional 30 trip ends per peak hour. A Traffic Study will not be needed.
- 1.6 The addition and proposed site work is within 100 feet of a wetland. The Petitioner has filed with the Conservation Commission. The Commission will set necessary safe guards to protect the wetlands.
- 1.7 The Bylaw requires that the rate of storm water run-off from the site is not increased. The Plan must be changed so as to conform.
- 1.8 The site plan rules and regulations require that the following information must be shown on the Plan:

- 1.8.1 any hydrants within 500 feet of the Building;
- 1.8.2 location of municipal fire alarms;
- 1.8.3 any underground utilities, including waterlines;
- 1.8.4 location of dumpsters;
- 1.8.5 restrict the hauling of earth to or from the site during the hours between 9:00 A.M. and 4:00 P.M. on weekdays.
- 1.9 The complete flood plain delineation has not been shown on the Plan and as a matter of clarification should be shown.
- 1.10 The existing building has a master fire alarm box and fire alarm system. These should be extended into the addition. To ensure that the building has maximum fire protection, the proposed construction driveway should be preserved. This would ensure that emergency vehicles can reach the rear of the building. It would be appropriate to loam and seed this area and place markings to ensure that the Fire Department stays on the driveway.
- 1.11 The access driveway to the site is through 530 Main Street (McPherson), not through the frontage. The Bylaw requires a sidewalk across the frontage so that employees would have safe access to a sidewalk. It is appropriate in this case to place a sidewalk from the existing McPherson drive to the Phelps driveway at 526 Main Street.
- 1.12 This is a residential area. It is necessary to protect the abutters from excessive noise caused by construction. This can be accomplished by limiting hours of construction.
- 1.13 The site plan improperly identifies an abutter as William Norton. The abutters list indicates that the abutter is William Nowlin.
- 1.14 The Plan, as herein modified, is consistent with the Master Plan.
- 1.15 The Plan, as herein modified, and as provided for in the Conditions and Limitations, protects the Town and the neighborhood against serious detrimental or offensive uses on the site and against adverse effects on the natural environment and complies with all applicable requirements of the Bylaw.
- 1.16 The Plan, as herein modified and as provided for in the Conditions, provides for convenient and safe vehicle and pedestrian movement to and from the site as well as within the site; adequate methods of waste disposal and adequate parking and loading facilities.

1.17 The granting of a Site Plan Special Permit for the site, as herein modified, and as provided for herein, will not derogate from the intent of the Bylaw to limit the adverse effects of the use and development of

the land on the surface and groundwater resources of the Town of Acton.

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

2.0 Plan Modifications

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

2.1 The following shall be shown on the plan:

- 2.1.1 any hydrants within 500 feet of the Building;
- 2.1.2 location of municipal fire alarms and master box;
- 2.1.3 any underground utilities including water lines;
- 2.1.4 any dumpsters with enclosures;
- 2.1.5 restrict the hauling of earth to or from the site during the hours between 9:00 A.M. and 4:00 P.M. on weekdays;
- 2.1.6 complete flood plain delineation.

2.2 Show compliance with 10.4.3.1 of the Bylaw.

2.3 Show on the Plan, to the satisfaction of the Fire Chief, how the construction driveway will be marked on site so that in case of an emergency the Fire Department will be able to locate and use this driveway with ease.

3.0 Conditions

- 3.1 Prior to issuing a building permit an approved septic permit shall be obtained from the Board of Health.
- 3.2 If hazardous materials (as outlined in Board of Health regulations) are utilized on site a hazardous materials storage permit will be needed from the Board of Health.
- 3.3 Prior to occupancy or use of the new building, an as-built plan shall be supplied by the engineer of record certifying that the project was built according to the approved documents. The as-built shall show all pavement, building and drainage structure locations above and below grade in their true relationship to lot lines, and include appropriate grades and elevations. In addition to the engineer of record, said plan shall be certified by a Mass. Registered Land Surveyor.
- 3.4 Prior to the issuance of a building permit or the start of any construction activity on the site the Petitioner shall submit, for the written approval of the Board, the following letters of agreement:
 - 3.4.1 Submit a letter of agreement stating that at such time as traffic conditions on Main Street, in the opinion of the Board, reach proportions that constitute a hazard to the citizens of the Town of Acton, the Petitioner or the owner of the property will contribute (on a pro rata basis) a fair share toward a traffic study to be conducted at the direction of and to the satisfaction of the Board, focused on alleviating the problem. The Petitioner's share is to be based on metering of traffic to and from the subject property. The Petitioner herein agrees to assume all costs necessary and associated with the subject property. Furthermore, the letter shall express the agreement that the Petitioner or the owner of the property will contribute, according to the established pro rata basis, a fair share towards mitigation measures suggested in the traffic study.
 - 3.4.2 Prior to the issuance of a building permit or the start of any work on the site, the Petitioner shall submit, for the written approval of the Board of Selectmen, a letter of agreement stating that at such time and in such quantity as the Board of Selectmen may designate, the Petitioner will provide up to three (3) monitoring wells for the purpose of monitoring the general quality of groundwater in the area and providing an early warning of potential problems. Such wells shall be installed in accordance with the directions and specifications of the Board of Selectmen. Petitioner shall agree to assume all costs (not to exceed a maximum total cost of \$3,000 to the Petitioner) necessary and

associated with the provision of such monitoring wells (not to exceed three) and shall provide the necessary easements/access rights to the Town of Acton and the Acton Water Supply District in order to facilitate the taking of water samples for analysis.

- 3.5 Construction activities are restricted between the hours of 7:00 A.M. to 6:00 P.M. Monday thru Friday and further restricted to 9:00 A.M. to 5:00 P.M. on Saturday and Sunday.
- 3.6 The Petitioner shall either construct or give a gift to construct a sidewalk from the McPherson driveway to the Phelps driveway a distance of 300 feet. If the Petitioner elects to construct the sidewalk, it shall be constructed by subdivision standards. The cost to construct a sidewalk has been determined to be *12 linear feet, therefore prior to issuing a building permit a gift for \$3600.00 to construct the sidewalk or a cash bond to cover construction costs be given to the Town (bond to be released at the completion of sidewalk construction).
- 4.0 **Limitations**
- The Authority granted to the Petitioner by this permit is limited as follows:
- 4.1 This permit applies only to the site which is the subject of this petition. All construction shall be conducted in accordance with the terms of this permit and shall be limited to the improvements shown on the Plan.
- 4.2 There shall be no further development of this site without written consent of the Board of Selectmen as outlined within the Acton Zoning Bylaw.
- 4.3 This Decision applies only to the requested Special Permit. Other permits or approvals required by the Acton Zoning Bylaw, other governmental boards, agencies or bodies having jurisdiction shall not be assumed or implied by this Decision.
- 4.4 No approval of any indicated signs or advertising devices is implied by this Decision. All existing signs are to be removed that do not comply with the current Zoning Bylaw as per Section 7.11.2 and new signs properly licensed.
- 4.5 The foregoing restrictions are stated for the purpose of emphasizing their importance but are not intended to be all inclusive or to negate the remainder of the Acton Zoning Bylaw.

File 10/20/92

OCTOBER 16, 1992

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

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AGENDA
ROOM 204
7:30 P.M.
OCTOBER 20, 1992

I. CITIZEN'S CONCERNS

II. PUBLIC HEARINGS & APPOINTMENTS

- 1. 7:31 WALDEN COMMUNICATIONS - SITE PLAN DISCUSSION - Enclosed please find Draft decision.
- 2. 7:45 PHILLIPS COFFEE EMPORIUM - SPECIAL PERMIT #8/17/92-337 (LAKE) - Enclosed please find staff comment regarding this Special Use Permit for a restaurant at 5 Spruce Street.
- 3. 8:00 PRISON ADVISORY COMMITTEE OVERVIEW MEETING
- 4. 8:30 SOUTH ACTON REVITALIZATION COMMITTEE OVERVIEW MEETING

III. CONSENT AGENDA

- 5. MINUTES - Enclosed please find minutes for Board approval from September 22, 1992.
- 6. APPOINTMENTS - Enclosed please find correspondence from the VCC regarding Appointments to the Historic Commission, Arts Council, Council on Aging and Minuteman Home Care for Board action.
- 7. CHRISTMAS TREES - Enclosed please find a request from Mrs. DiDuca to sell Christmas Trees at 145 Great Road from 11/26- 12/24 for Board action.
- 8. BOND RELEASE - Enclosed please find staff recommendation to release the first Bond in conjunction with the Mobil Oil site at 553 Mass Ave. for Board action.
- 9. MIDAS CORP. Enclosed please find staff recommendation regarding posting of a Bond at 125 Great Road.

IV. SELECTMEN'S CONCERNS

V. TOWN MANAGER'S REPORT

10. AC CHEVROLET - Enclosed find correspondence from the Building Commissioner concerning two aspects of the site development at AC Chevrolet. The Town Manager will seek direction of the Board on these matters.
11. ENERGY PROJECT - Enclosed is information on a proposed project for the Town. The Town Manager will seek direction of the Board.

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.

November 10 - Tax Classification Hearing
NESWC Grantor Change

November 17 - Historic Commission
December 1

10/20/92

①

**TOWN OF ACTON
INTERDEPARTMENTAL COMMUNICATION**

DATE: October 14, 1992

TO: Board of Selectmen
FROM: Garry A. Rhodes, Building Commissioner *GAR*
SUBJECT: Amendment to Site Plan Special Permit #2/19/88-295
Walden Communications

The applicant is requesting that the Board of Selectmen allow the driveway to remain as constructed. It was proposed that the driveway was going to be approximately 450 feet long and instead it was built 100 feet in length. I do not have any objections to this request as the driveway is only used a couple of times a week and because this area is within the Zone 2 Groundwater Protection District, the less impervious surface the better.

The applicant is also requesting that 4.7 acres be released from the site plan. If the Board of Selectmen were to grant this request, it would not create any zoning violations. The fall zone of the antennas would remain on the site. This area was recently rezoned to a residential district. It can not be used for commercial purposes unless again rezoned. It can only be used for agriculture or residential uses. Earth removal may be possible but only with Board of Appeals approval.

(904)

Site Plan Special Permit Amendment #2/19/88-295
Walden Communications Co.
38 Knox Trail
Plan File #3137

Page 1

Amendment of the decision of the Board of Selectmen on the Petition of Walden Communications for the property located at 38 Knox Trail. Said properties are shown on Acton Town Atlas, map J-4 parcel 5-1 and map I-3 parcel 136.

This Decision is in response to an application submitted to the Board on August 26, 1992 to amend the existing Site Plan Special Permit.

As permitted under Limitations 3.6 (Amendment of permit) of said permit, the Board exercises its powers to amend this permit without a new public hearing in that the Board finds that such amendment is not significant to the public interest and that such amendment is not inconsistent with the purpose and intent of the Bylaw and with the terms of this permit.

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

Exhibit I - Letter dated August 26, 1992 from John M. Hurley, Jr. to the Board of Selectmen.

Exhibit II - Site Plan of land in Acton, MA prepared for Walden Communications by Acton Survey and Engineering dated February 2, 1988 modified February 16, 1988; Site Plan of land in Acton, MA prepared for Walden Communications by Acton Survey and Engineering dated February 2, 1988 and modified August 26, 1992.

Exhibit III - Interdepartmental Communication from the Building Commissioner to the Board of Selectmen dated October 9, 1992.

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

1. The Site Plan Special Permit #2/19/88-295 remains in full force and effect and this amendment effects only those issues that are hereinafter listed.
2. The decrease in the length of driveway as shown on the plan is consistent with the Bylaw and therefore approved.
3. The parcel of land shown as parcel X on the plan is zoned residential, it is intended to be removed from this Decision and joined to 50 Knox Trail, Map 1-4 parcels 9-2 and 9-4.
4. The fall zone of the antennas is within the remaining site.

Site Plan Special Permit Amendment #2/19/88-295
Walden Communications Co.
38 Knox Trail
Plan File #3137

Page 2

The Board of Selectmen voted to GRANT the requested Site Plan Special Permit Amendment.

Appeals

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

Witness our hand this day of 1992.

Nancy Tavernier Chairman

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

Christine Joyce
Recording Secretary

Date filed with Town Clerk

Cornelia O. Huber, Town Clerk

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

Date

Cornelia O. Huber, Town Clerk

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

TOWN OF ACTON
NOTICE OF HEARING

10/20/92

(2)

The Board of Selectmen of Acton will hold a public hearing on Tuesday, October 20, 1992 at 7:45 P.M. in the Selectmen's Hearing Room, Town Hall on the application of Phillips Coffee Emporium, Inc. under Section 10.3 of the Zoning Bylaw for approval of a Special Permit for a restaurant at 5 Spruce Street in an existing building located at 5 Spruce Street, Acton.

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

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

**TOWN OF ACTON
INTERDEPARTMENTAL COMMUNICATION**

DATE: October 16, 1992

TO: Board of Selectmen
FROM: Garry A. Rhodes, Building Commissioner *GAR*
SUBJECT: Special Permit #8/17/92-337
Phillips Coffee 5 Spruce Street

The applicant is located in the West Acton Village District. Phillips Coffee has been selling coffee and packaged desserts for about one year. Recently they proposed to allow for on-site consumption of coffee and desserts which, according to the zoning bylaw, is defined as a restaurant. A restaurant requires a special permit from the Board of Selectmen.

The applicant has the approval of the Board of Health. The parking has been reviewed by staff and they feel that there is adequate on-site parking. There will not be any external changes.

I have enclosed copies of staff comments for your review.

(907)

August 27, 1992

TO: Garry Rhodes, Site Plan Coordinator
FROM: Alan D. Perry, Health Officer *ADP*
RE: Phillips Coffee Emporium, 5B Spruce Street
Site Plan - Special Use

The Health Department has reviewed the Site Plan application for Phillips Coffee Emporium and notes the following:

On February 10, 1992, the Board of Health unanimously approved Phillips Coffee Emporium's request to place four (4) seats within the facility to accommodate customers. Water records received by the Health Department indicated that the water usage at the facility had dropped significantly since Phillips opened. The Board made it clear to the owners of Phillips that the approval of this seating capacity could limit future uses at the entire site.

In addition, the approval is contingent upon the following:

1. That patrons not be allowed to walk through any food service prep area to use the restrooms.
2. Water records need to be supplied to the Health Department upon request.
3. The applicants need to comply with all other applicable laws and regulations.

INTERDEPARTMENTAL COMMUNICATION

BOARD OF SELECTMEN'S OFFICE

RECEIVED
SEP. 29 1992
ACTON BUILDING INSPECTOR

TO: Building, Planning, Engineering, Health, Conservation,
Municipal Properties

FROM: Don P. Johnson, Town Manager

SUBJECT: SITE PLAN #8/17/92-337- Phillips Coffee

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Enclosed please find Site Plan application of Phillips Coffee Emporium, Inc. under Section 10.3 of the zoning Bylaw for approval of a Special Use Permit to permit a restaurant within an existing structure, located at 5 Spruce Street, Acton.

Please send your comments, with copies to Garry Rhodes by October 2, 1992

Don P. Johnson, Town Manager

cc: Fire Department
Police Department
Water District
TAC

Garry, Conservation has no comments regarding the use of 5 Spruce Street to sell coffee products.

Tom Tidman

INTERDEPARTMENTAL COMMUNICATION

TO: Don P. Johnson DATE: August 20, 1992

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

SUBJECT: Site Plan 8/17/92 - 337, Special Use Permit - Restaurant,
Phillips Coffee Emporium.

The proposed small seating area in Phillips Coffee Emporium could be a positive contribution to the variety of businesses in West Acton Village. It appears that a conflict with the Master Plan does not exist.

The parking study submitted by the applicant was done at a "low" time of the year. Nevertheless it shows that the site has plenty of parking available. Parking use during the recorded period never reached 50% of capacity.

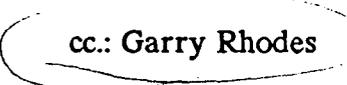
xc: Garry Rhodes ✓

TOWN OF ACTON
INTERDEPARTMENTAL COMMUNICATION

August 20, 1992

TO: Don P. Johnson, Town Manager
FROM: Dean A. Charter, Municipal Properties Director 
SUBJECT: Site Plan #8/17/92-337-Phillips Coffee

Due to the fact that this site plan will have no impact upon landscaping, I have no comment.


cc.: Garry Rhodes

DAC/118

TOWN OF ACTON

INTER-DEPARTMENTAL COMMUNICATION

DATE: 8/25/92

TO: Don P. Johnson, Town Manager

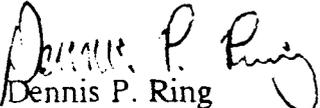
FROM: Engineering Department

SUBJECT: Site Plan 8/17/92-337
Phillips Coffee

We have reviewed the proposal from Phillips Coffee Emporium to add four seats at their restaurant at 5 Spruce Street.

The only relevant engineering issue would be parking at the site, and this aspect has been well addressed by the applicant.

If you have any questions or need additional information regarding this, please let us know.


Dennis P. Ring
Engineering Assistant II

D.A.

CC GARY RHODES

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

Nancy E. Tavernier
Chairman

August 28, 1992

Phillips Coffee Emporium, Inc.
5 Spruce Street
Acton, MA 01720

RE: SPECIAL USE PERMIT #8/17/92-337 (LAKE) 5 Spruce Street

Gentlemen:

Enclosed please find advertisement to appear in the Assabet Valley Beacon on Thursday, October 1st and 8th. Under the Rules and Regulations Governing Site Plan, adopted by the Board of Selectmen on February 27, 1990, the petitioner is responsible for mailing of all notices of hearing to the abutters. This must be done by Certified Mail at least seven (7) days before the hearing and a copy of the green return receipt cards must be brought to the hearing as proof of notification.

If you have any questions, please feel free to call this office.

Very truly yours,

Christine Joyce
Town Manager's Office

Enc.

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

Nancy E. Tavernier
Chairman

Sept. 20, 1992

Assabet Valley Beacon
P. O. Box #217
Acton, MA 01720

ATTENTION: Legals

Enclosed please find copy of advertisement to appear in
your newspaper on Thursday, October 1st and 8th 1992.

Please send bill and two (2) tear sheets to Town
Manager's Office, 472 Main Street, Acton, MA 01720.

Very truly yours,

Chris Joyce
Town Manager's Office

encs. 1
709

SELECTMEN'S MEETING
SEPTEMBER 22, 1992

10/20/

5

The Board of Selectmen held their regular meeting on Tuesday, September 22, 1992, present were Norm Lake, Nancy Tavernier, Anne Fanton, William Mullin, and Town Manager Johnson

CITIZENS' CONCERNS

Don Gilberti updated the Board on the status of cable connections to the Civil Defense Building. They are now hooked up and ready. He also has been asked to coordinate technical improvements to the School Committee broadcasts of their meetings. He will be working with Mark Tomy and Joe Mangno to accomplish this task in the next year.

PUBLIC HEARINGS AND APPOINTMENTS

BOSTON EDISON - & NET&T - Esterbrook Road
ANNE FANTON - Moved to approve - NORM LAKE- Second.
UNANIMOUS.

PASTA VILLIAGO - REQUEST FOR CHANGE OF MANAGER

George Filiss outlined his training and experience in handling of liquor. He also has been requiring employees to attend TIP course and presented the Board with his company policy on the serving of alcoholic beverages. BILL MULLIN - Moved to approve George Filiss as the new manager at Pasta Villagio. NORM LAKE - Second.

FORT DEVENS REUSE UPDATE

Carol Place the Chairman of the Fort Devens Task Force outlined the written report submitted to the Board. They have been attending the Joint Board Meetings, and they have had speakers in to speak to them as well as other meetings as offered. They feel the Federal Prison and the Inter modal reuses are viable ones that have gained acceptance with the bordering towns. Anne Fanton mentioned the MAPC meeting on October 1st and urged attendance from anyone interested as well as the Task Force, and asked them to develop questions regarding the reuse to pose at that time. The Board discussed the progress that the Task Force had made in getting all the information together and becoming so well informed in such a short time frame. It was decided to have the Task Force back in after the A.D. Little report had been received and reviewed, approximately 3 months.

MAIN STREET SIDEWALK

Don Johnson outlined the parking problem in front of the Library that they wished to address. Nancy suggested we decide

whether parking be allowed in front of the library. The funding is now available to do this portion of the project since the removal of the tanks was much less than budgeted for. Anne felt paving beyond the roadway would give a bad visual impact. She was concerned that to widen the road for a couple of spaces in front of the library would be a shame to sacrifice the green space for parking. Norm was in favor of the 3 spaces being formalized. Bill wanted to hear public comment before he commented. He too agreed that to widen it might have a bad visual impact at this location.

Anne Chang, representing the Library said they had voted in 1990 to retain the spaces and that a great deal of support from the patrons to maintain these spaces had been received. The elderly find the spaces useful as well as the inter-library book loan van for unloading and loading text. Mrs. Boardman said she wanted the spaces formalized. Sue Fingerman asked about the alternative if no parking existed, and was in favor of formalizing the spots. Dean Charter explained that his earlier proposal to "green" the area had been withdrawn after he reexamined the area and spoke to more people about it. Joan Gates said the Historic District would not get involved in this issue since it was considered an at grade level project. She also suggested the Board look at a similar project in Concord. The new owner of the Collin's House suggested that a more creative approach may be taken, that the sidewalk and the parking space not be as large as usual. He felt the pedestrian and vehicular traffic could coexist if a creative approach was taken. NORM LAKE - Moved to direct staff to proceed with a plan to continue providing parking preservation in front of the library and to be sensitive to the special aesthetic requirements being that it is in Acton Center, and to have the Historic District involved for advisory purposes. BILL MULLIN - Second. UNANIMOUS VOTE.

The Board asked that the final plan be brought before them for final approval before construction.

The Board then discussed the remaining portion of Main Street to Nagog Hill road. Anne asked about the number of trees that would be removed. Dean said that several trees would have to be pruned or removed, however one of them was diseased currently and would have to be removed in the near future.

The Garden Club and Woman's Club urged the Board not to remove any of the spaces used along Main Street as it would severely impact the use of the building.

The Board then discussed the existing walk way to the front of the library and Civil War Memorial. The Board asked staff to submit any proposals for re-design to them prior to action to start the project. Dennis Ahern asked that cobble stones not be used as they are not in line with this region.

MARSHALL LAND - 61A

Norm asked for a clarification of the parcel up for sale. It was stated that it is the parcel 6 1/4 acres with the house and barn not the larger lot. It was noted that according to present zoning, that only one other house could be built on that 6 1/4 lot, and that due also to zoning, the groundwater is protected presently. NORM LAKE - Moved to asked the staff to prepare a proper reply expressing that the Town was not interested in this 6 1/4 parcel but that we wanted to preserve the right on the balance of the property. WILLIAM MULLIN - Second. UNANIMOUS VOTE.

CONSENT CALENDAR

The Board approved the Consent Calendar with Item 10 removed - ANNE FANTON - Moved to accept the balance as presented. BILL MULLIN - Second. UNANIMOUS VOTE.

SELECTMEN'S CONCERNS

SARC - Staff was directed to send a letter to SARC to send all bridge information to Historic District to coordinate submittal and actions with the State.

DECK HOUSE - Anne Fanton offered to represent the Board at the open house.

BOY SCOUT - Nancy Tavernier volunteered to represent the Board at the October 25th Court of Honor.

CROWN RESISTANCE DAY - Nancy Tavernier will represent the Board at the ceremony on Sept. 27th.

MINUTEMAN BUILDING - Don updated the Board on the status of the building. The Town has repaired the boiler and plumbing that was damaged due to improper seasonal preparations. The fire escape has been repaired and the top floor is closed to use except for storing of the light food items used by the Community Supper. Don sought the board's direction on whether they wanted to put the use out to bid, or close the building for good. Currently Municipal Properties expects it costs \$5,000 per year to keep the building open. The locks were changed to protect the community supper's supplies. The Minutemen have been offered the use of the Town Hall for their meetings but as of yet have not used the building. Anne asked about the possibility of selling the building. Don explained we have looked into it several times in the past several years. After discussion, the board decided to bring the issue back as an agenda item and invite the Minutemen in to discuss the building.

Train Whistles - Nancy updated the Board on Representative Resor's request to have the board put a home rule article on the April Town Meeting.

Coordinating Committee - Bill outlined the last meeting and said that the administrators would be coming back with different guidelines at the October 5th meeting to review assumptions.

MPCC - Anne discussed the School's request to have a member on the MPCC. it was felt that after discussion, they might want to monitor the meetings but not be a designated member. Anne will contact them.

CAC - Anne updated the board on the recent action regarding Crosbys Corner and will attend the meeting in Concord regarding its redesign. She also has urged them to come out and look at the rotary signage again. The current signage affects the traffic in a negative way, they have said they will look at it again.

TOWN MANAGER'S CONCERNS

CLASSIFICATION SURVEY - The Board discussed the survey. Anne felt it was too labor intensive and felt unless it was of value to us we should not prepare a response. Bill thought that staff could respond if time permits. Nancy volunteered to work with staff on this survey as time permitted.

TAX CLASSIFICATION - Don discussed the proposed schedule for the Tax Classification hearing. They would be gathering the new growth figures for certification and suggested they meet on the 3rd of November. The board felt that since it was election night perhaps another meeting would be better attended. The board decided to change their regular meeting from November 3 to November 10th in order to accommodate the hearing and to insure a vote by the meeting of November 17th.

The Board adjourned at 10:20 P.M.

Clerk

Date

Christine Joyce
Recording Secty.
cmjW11-(294)

SEPTEMBER 18, 1992

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

#####

AGENDA

ROOM 204

7:30 P.M.

SEPTEMBER 22, 1992

I. CITIZEN'S CONCERNS

II. PUBLIC HEARINGS & APPOINTMENTS

1. 7:31 BOSTON EDISON & NET&T- Esterbrook Road - Joint identical poles.
2. 7:35 George Filiss - New Manager- Pasta Villagio
3. 7:45 SARC - OVERSIGHT MEETING
4. 8:00 Ft. DEVENS REUSE UPDATE - Enclosed please find information from the Taskforce for Board review.
5. 8:15 MAIN STREET SIDEWALK PUBLIC HEARING
6. 8:45 CHAPTER 61A OFFER - Marshall Land -Continuation of the discussion from 9/8/92.

III. CONSENT AGENDA

7. MINUTES - Enclosed please find minutes for Board approval from August 25, 1992.
8. BOSTON EDISON - Request for Right of Way - Enclosed please find request and staff recommendation for Board action.
9. EMERGENCY HOOK-UP - Enclosed please find a request and staff comment and recommendation for board action.
10. DISPOSAL OF SURPLUS EQUIPMENT - Enclosed please find a request for disposal by seal bid of surplus cemetery equipment.

11. ANNUAL ANTIQUE SHOW - Enclosed please find the request and staff comment for board review and action.

12. ACCEPT GIFT - Enclosed please find a request for the Board to accept a gift of 50.00 to be used at the West Acton Citizens Library.

13. BETSY BALL FUND - Enclosed please find a request for funds for Board action.

IV. SELECTMEN'S CONCERNS

14. EAGLE BOY SCOUT COURT OF HONOR - Enclosed please find an invitation to attend a Court of Honor on October 25, 1992 at 7:30, a Selectman needs to be assigned.

15. CROWN RESISTANCE DAY - Enclosed please find a request from the Minuteman for the Board to sign the proclamation for Crown Resistance Day 1992.

V. TOWN MANAGER'S REPORT

16. Tax Classification Inquiry - Enclosed please find a request from staff regarding the attached inquiry.

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.

October 6
Boston Edison Petitions

October 20
Phillips Coffee Use Permit
Prison Advisory Committee Oversight

November 3
November 17
December 1

TOWN OF ACTON

INTER-DEPARTMENTAL COMMUNICATION

10/20/92
(6)

DATE : 21 August 1992
TO : Board of Selectmen
FROM : Volunteer Coordinating Committee
SUBJECT : Recommendation for Appointments

At its 8/17/92 meeting, the VCC voted to make the following recommendations for appointments:

GARCIA, Kathryn A. to be appointed to full member of the Acton-Boxborough Arts Council. She will replace Nancy Rembert with a term ending 6/30/93. She is also well qualified to recreation but not in the fashion that the current Recreation Commission is functioning.

The following two nominees, BEDDOE, Margaret C. and POIRIER, Catherine M, are equally qualified for appointment to the Council on Aging for full membership. Our records indicate there is only one vacancy. We suggest expanding the Council. Otherwise, we leave it to your discretion in making the appointment. Term would expire 6/30/93.

BENANTI, Donna, we recommend establishing an Associate Member on the Council on Aging. The nominee is interested in and has been contributing on interior decorating ideas for the Senior Center. Such an appointment could recognize her assistance. Term to expire 6/30/93.

BURROWS, Joan S. has excellent qualifications in representing Acton with the Minuteman Home Care. Term Expiring 6/30/93.

KATHRYN ACHEN GARCIA

7 Conant Street
Acton, MA 01720
(508) 266-1731

OBJECTIVE: Recreation/Cultural Arts Administration

QUALIFICATIONS: Fourteen years experience in administration of cultural arts and recreational programs.

EDUCATION: Graduate work in Cultural Arts Administration SAN JOSE STATE UNIVERSITY, San Jose, CA 1985.

Bachelor of Science Degree in Recreation Administration, UNIVERSITY OF IOWA, Iowa City, Iowa. Graduated "With Honors." 1971 - 1975.

EXPERIENCE: Site Evaluator and Grant Panel Member, COLORADO COUNCIL ON THE ARTS AND HUMANITIES (CCAH). Evaluated Local Art Council programs in the communities of Estes Park, Steamboat Springs and Aspen. Served as a Grant Panel member for the Governors Award as well as Community Programs Awards. Denver, Colorado. 1987 - 1991.

**LEADERSHIP/
MANAGEMENT**

(CONCURRENT) General Manager, CANYON CONCERT BALLET SCHOOL AND DANCE COMPANY. Worked with a Board of Directors and 15 staff members to improve community relationships and consequently increase school enrollment, ticket sales and private donations. Increased enrollment at the dance school by 20%. Increased school and company profits by 50%. Fort Collins, CO. 1989 - 1990.

Executive Director, FORT COLLINS COUNCIL ON THE ARTS AND HUMANITIES (FCCA). Administration of community 'arts service' organization included coordination of the principle activities and programs in accordance with the specified policies of its Board of Directors. Fort Collins, Colorado. 1986 - 1990.

MAJOR ACCOMPLISHMENTS INCLUDE:

- Developed community relationships to secure and increase funding by 40% for FCCAH and its 28 member art organizations.
- Programmed informational sessions with the Fort Collins Chamber of Commerce, Visitors Bureau, City Government and Businesses.
- Implemented the first "Annual Business Award for Support of the Arts" in cooperation with the Chamber of Commerce at its annual meeting. This was designed to further public awareness of the business sector's role as a partner with the arts.
- Completed the first phase of a "Planned Giving" promotion with area United Way and Fort Collins Foundation, designed tools and methods to market planned giving in Fort Collins.
- Directed an annual strategic planning process dedicated to establishing goals which would create partnerships between Arts, Business, Government and Community leaders.
- Generated a broad-based business plan for FCCAH to meet community needs and establish an image that is professional and dynamic.
- Recruited an excellent volunteer staff that works as an effective, enthusiastic team.

TOWN OF ACTON

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BURROWS, Joan S. has excellent qualifications in representing Acton with the Minuteman Home Care. Term Expiring 6/30/93.

TOWN OF ACTON VOLUNTEER APPLICATION

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

(Fill in print or type)

Date: July 10, 1992

Mr/Mrs. (Mrs.)
Ms/Dr Last Name BEDDOE First Name MARGARET Middle Initial C.

Street Address 18 Brewster Lane Home Phone 263-2807 Business Phone —
(Audubon Hill)

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

- 1) Council on Aging
- 2) _____
- 3) _____

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

no

To you have any time restrictions? usually few, expect to be away this year, Sept. 10 - Oct. 10

How long have you lived in Acton? 38 years in Massachusetts? 41 years

Are you a US citizen? yes

Present occupation and employer (optional - attach resume) retired teacher (City of Marlborough)

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

Education or special training M.Sc (Ed), Lesley College; BA, Boston University;
well-read; skilled at re-writing, editing, and proofreading.

Please list below any additional information or comments which may help in the matching of your interests with the most appropriate Board/Committee, such as civic experience, special interest/hobbies, etc:

Have made use of COA activities and services, have delivered meals, have helped aging relatives over the years, am elderly (69) myself, will be a near neighbor of the new Senior Center.

TOWN OF ACTON

INTER-DEPARTMENTAL COMMUNICATION

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TOWN OF ACTON VOLUNTEER APPLICATION

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

(Please print or type)

Date: May 15 1992

Mr / Mrs
Ms / Dr FAIRIER Catherine M.
Last Name First Name Middle Initial

17 Sawmill Road 635-9384 861-0194
Street Address Home Phone Business Phone

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

- 1) Council on Aging
- 2) _____
- 3) _____

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

Do you have any time restrictions? Worked full time - Available pm

How long have you lived in Acton? 3.5 yrs in Massachusetts? 8 yrs

Are you a US citizen? yes

Present occupation and employer (optional - attach resume) Town of Lexington,
Council on Aging - Administrative Assistant

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

Education or special training B.S. Education Seminars in
Gerontology (B.U.), Mass. Housing Conf., Grant Writing
(EHer)

TOWN OF ACTON

INTER-DEPARTMENTAL COMMUNICATION

DATE : 21 August 1992
TO : Board of Selectmen
FROM : Volunteer Coordinating Committee
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BURROWS, Joan S. has excellent qualifications in representing Acton with the Minuteman Home Care. Term Expiring 6/30/93.

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

(Please print or type)

Date: July 5, 1992

Mr/Mrs Benanti First Name Donna Middle Initial _____
Ms/Dr Last Name

Street Address 37 Stoneymead Way Home Phone 263-9980 Business Phone -
Acton, MA 01720

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

- 1) Council on Aging
- 2) _____
- 3) _____

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

No

To you have any time restrictions? No

How long have you lived in Acton? 14 years in Massachusetts? Birth

Are you a US citizen? Yes

Present occupation and employer (optional - attach resume) Homemaker

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

Education or special training _____

Please list below any additional information or comments which may help in the matching of your interests with the most appropriate Board/Committee, such as civic experience, special interest/hobbies, etc:

Director of Joy Bible Study / Acton - organized
150 women: children overseas curriculum, facilitated
discussion etc.

TOWN OF ACTON

INTER-DEPARTMENTAL COMMUNICATION

DATE : 21 August 1992
TO : Board of Selectmen
FROM : Volunteer Coordinating Committee
SUBJECT : Recommendation for Appointments

At its 8/17/92 meeting, the VCC voted to make the following recommendations for appointments:

GARCIA, Kathryn A. to be appointed to full member of the Acton-Boxborough Arts Council. She will replace Nancy Rembert with a term ending 6/30/93. She is also well qualified to recreation but not in the fashion that the current Recreation Commission is functioning.

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BENANTI, Donna, we recommend establishing an Associate Member on the Council on Aging. The nominee is interested in and has been contributing on interior decorating ideas for the Senior Center. Such an appointment could recognize her assistance. Term to expire 6/30/93.

BURROWS, Joan S. has excellent qualifications in representing Acton with the Minuteman Home Care. Term Expiring 6/30/93.

TOWN OF ACTON VOLUNTEER APPLICATION

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

(Please print or type)

Date: June 12, 1992

Mr / Mrs
Ms / Dr

Burrows

Last Name

Jean

First Name

S.

Middle Initial

7 Elm Street

Street Address

263-0843

Home Phone

Business Phone

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

1) Council on Aging

2) Minute Man Home Care ✓

3) _____

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

Assoc Commission on Disability Svcs.

Do you have any time restrictions? _____

How long have you lived in Acton? 5 yrs. In Massachusetts? 27 yrs.

Are you a US citizen? yes

Present occupation and employer (optional - attach resume) _____

Social Worker, music teacher

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

Education or special training Assoc degree in Social Work, Nursing

School courses, music training

APPOINTMENTS MADE BY THE BOARD OF SELECTMEN

DATE 21 August 1992

Replacement
Submission
13 October 1992

NAME	COMMITTEE	APPOINTED		REG.	ASSOC.	ALTN.	EXPIRES	HOLD	COMMENTS
		YES	NO						
GARCIA, Kathryn	ABAC			X			6/30/93		Replaces Nancy Rembert
BEDDOE, Margaret C.	COA			X			6/30/93		See attached memo
POIRIER, Catherine M.	COA			X			6/30/93		See attached memo
BENANTI, Donna	COA				X		6/30/93		See attached memo
BURROWS, Joan S.	MMHC			X			6/30/93		

10/20/92

(6)

TOWN OF ACTON

INTER-DEPARTMENTAL COMMUNICATION

DATE : 25 September 1992
TO : Board of Selectmen
FROM : Volunteer Coordinating Committee
SUBJECT : Recommendation for Appointment

At its 9-21-92 meeting, the VCC voted to recommend Robert E. RHODES to full membership on the Acton Historical Commission replacing Francis Domurat for term expiring on 30 June 1994. The nominee has been serving as Associate Member and is recommended by the Commission to Full-Membership.

TOWN OF ACTON VOLUNTEER APPLICATION

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

(Please print or type)

Date: 4-23-90

Mr / Mrs Ms / Dr RHODES ROBERT E.
Last Name First Name Middle Initial
4 PURITAN ROAD, ACTON 877-6001 264-8264
Street Address Home Phone Business Phone

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

- 1) CONSERVATION COMMISSION
- 2) HISTORICAL COMMISSION ✓
- 3) PLANNING BOARD

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

NO

Do you have any time restrictions? NO

How long have you lived in Acton? 27 yrs in Massachusetts? 29 yrs

Are you a US citizen? YES

Present occupation and employer (optional - attach resume)

MATERIALS ANALYST / AUDITOR - NEC TECHNOLOGIES INC. BELLEVUE, WA.

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

Education or special training B.A. in HISTORY, FRAMINGHAM STATE COLLEGE, 1983

OVER >

Rhodes, Robert

APPOINTMENTS MADE BY THE BOARD OF SELECTMEN

DATE 25 September 1992

Replacement
Submission
13 October 1992

NAME	COMMITTEE	APPOINTED		REG.	ASSOC.	ALTN.	EXPIRES	HOLD	COMMENTS
		YES	NO						
RHODES, Robert E.	AHC			X			6/30/94		Replaces Francis Domurat

Town of Acton MASS 10/20/92 -

7

Dear Town Manager/Board of Selectmen.

I wish to apply for premission to sell
Christmass trees, at my location 145
Great Rd. Acton mass. I will be selling
trees on the follow dates, From 11/26-92 -
12/24/92. My hours of selling will be, from
9am - 5pm daily.

Please note I, have sold trees at
my location for the past 10 years
with out any problems to anyone at all.
Thank you kindly for understanding,
and coopration regarding this mater.

Yours, Truly.
Conetta Di Dece

10/14/92

PHONE @ HOME IF ANY QUESTIONS.

10/20/92

8

TOWN OF ACTON
INTERDEPARTMENTAL COMMUNICATION

DATE: October 14, 1992

TO: Don P. Johnson, Town Manager
FROM: Garry A. Rhodes, Building Commissioner *GAR*
SUBJECT: Bond Release, Mobil Oil Corporation
553 Massachusetts Avenue

In December of 1991 the Board of Selectmen accepted a bond in the sum of \$11577. to be held subject to the completion of the landscaping. The landscaping was to be completed by July 1, 1992, and if not completed by then, any interest that occurred after that date would be forfeited to the Town. The site is now complete. I do not have an objection if the Board of Selectmen decides to release the bond. I would suggest, however, that the interest accumulated after July 1 be held as the work had not been completed by July 1, 1992 although it could have been completed.

(902)

CONSENT 10/19/92

NOTE TO BOS - THIS RECOMMENDATION APPLIES
TO THE FIRST "BOND" ONLY (SEE ATTACHED).
WE ARE RETAINING THE SECOND.

TOWN OF ACTON

INTERDEPARTMENTAL COMMUNICATION

DATE: December 12, 1991

TO: Don P. Johnson, Town Manager

FROM: Garry A. Rhodes, Building Commissioner *JAR*

SUBJECT: Mobil Oil Corporation
553 Massachusetts Avenue

I am in receipt of two letters from Bayside Engineering Associates regarding the property at 553 Mass. Ave. The project manager is requesting an occupancy permit without completion of the landscaping as required by Site Plan Special Permit #5/31/91-331. It is my recommendation that the Board of Selectmen accept a cash security in the amount of \$11,577.00 in lieu of the completion because any landscaping done at this time of the year will have a high kill rate. It is further my recommendation that a final completion date of July 1, 1992 be set and if the landscaping as required is not completed, any interest that accrues after that date be forfeited to the Town.

The second request to post a bond is for a longer duration. Approximately 250 square feet of the site which was intended for the landscaping will be covered with remediation equipment which is associated with the contamination problem. It is possible that the remediation equipment will be in place for 5 to 10 years. It is my recommendation that a cash security in the amount of \$1,000.00 be posted for the duration of the remediation. If the landscaping is not replaced within 60 days after completion of remediation the security will be forfeited to the Town of Acton.

(733)

Approved By Consent 12/17/91

cc: Rhodes

TOWN OF ACTON
INTERDEPARTMENTAL COMMUNICATION

10/20/92
9

DATE: October 14, 1992

TO: Don P. Johnson, Town Manager
FROM: Garry A. Rhodes, Building Commissioner *GAR*
SUBJECT: Midas Corporation/125 Great Road

On August 26, 1992 I issued an occupancy permit for Midas Corp. I was aware at that time that two hoods had not been installed. We had discussed this and had decided that a bond would be obtained to ensure that they were installed. They informed me that within two weeks the hoods would be installed. Because of this short period of time, I did not post the bond with the town treasurer. I did not inspect for the installation of the hoods until I recently returned from vacation. The hoods still have not been installed. I feel that since the hoods were required as part of the site plan special permit, the \$2000 check be posted with the treasurer until such time as the work is completed.

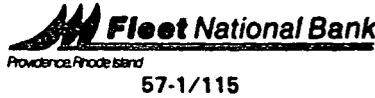
(900)

CONSENT 10/19/92

NOTE TO BOS - AS YOU CAN SEE, WE HAVE
THE CHECK BUT NEED YOUR AGREEMENT TO
ACCEPT IT IN LIEU OF INSTALLATION OF THE
HOODS.

Gar

STAND CORPORATION
P.O. BOX 7346
WARWICK, R.I. 02887



CHECK DATE CHECK NUMBER
26-AUG-1992 29695
0029695

Two Thousand Dollars and 00 Cents

PAY THIS AMOUNT
*****\$2,000.00

PAY TO THE ORDER OF
Town of Acton

Barbara J. Caniglia

⑈029695⑈ ⑆011500010⑆ 71 5083886⑈

10/20/92

10*

TOWN OF ACTON
INTERDEPARTMENTAL COMMUNICATION

DATE: October 8, 1992

TO: Don P. Johnson, Town Manager
FROM: Garry A. Rhodes, Building Commissioner GAR
SUBJECT: Site Plan Special Permit #7/15/86-277 Bond Release
171 Great Road / AC Chevrolet

The Town Treasurer is holding a bond in the sum of \$5000 to ensure that the site is completed as approved by the Board of Selectmen. The area in question is a right-of-way between 157 and 171 Great Road. Until recently this area was used as an access driveway to 157 Great Road for Federal Investment, who are no longer using it for this purpose. AC Chevrolet, 171 Great Road, has finished landscaping the site according to the approved site plan. I have inspected the site along with the Engineering Department and find that it conforms with the plan and I have no objection if the bond is released.

It should be noted that during one of the extensions granted by the Board of Selectmen, a condition was attached for the release of the bond (see attached). The condition stated that any interest accruing after December 31, 1989 would be forfeited. I leave that decision to the Board.

(895)

Garry Rhodes

TOWN OF ACTON

INTER-DEPARTMENTAL COMMUNICATION

DATE: August 22, 1989

TO: Don P. Johnson, Town Manager

FROM: Garry A. Rhodes, Building Commissioner *MAC*

SUBJECT: Temporary Occupancy
171 Great Road
Site Plan Special Permit #7/15/86-277

On October 18, 1988 the Board of Selectmen allowed the Building Department to accept a bond in lieu of completion of the above mentioned site plan special permit. A condition was attached that the landscaping was to be completed by January 1, 1989. As of this date the work has not been completed and Mr. Cotter is requesting that the temporary occupancy be extended until December 31, 1989.

If the Board of Selectmen wish to grant the request they may wish to consider the following:

If the site is not completed as per Site Plan Special Permit #7/15/86-277 by December 31, 1989, any interest that accrues after that date be forfeited to the Town until such time as the site is completed.

(40)

Temporary Occupancy Permit approved to 12/31/89 by Board of Selectmen August 22, 1989.

Ann Simeone

Ann Simeone, Selectmen's Secretary

TOWN OF ACTON
INTERDEPARTMENTAL COMMUNICATION

10/20/92
103

DATE: October 14, 1992

TO: Don P. Johnson, Town Manager
FROM: Garry A. Rhodes, Building Commissioner *GAR*
SUBJECT: Sidewalk Agreement/171 Great Road

On September 3, 1987 James Hermance, General Manager of A.C. Chevrolet, Inc., agreed to construct a sidewalk along their frontage to Great Road. This agreement was required as a condition of the grant of Site Plan Special Permit #7/15/86-277. It stated in part that at such time as sidewalks were installed along Great Road at either the northerly or southerly properties, and if directed by the Board of Selectmen, they would install a sidewalk across their property.

At the current time a sidewalk is being constructed at 157 Great Road, the southern property. The Board may wish to exercise their option at this time.

(903)

A. C. Chevrolet Inc.

2

171 GREAT ROAD • ACTON, MASS. 01720
(617) 263-3381

September 3, 1987

RE: Robert Moran/A.C. Chevrolet
Site Development Plan
#7/15/86-277 1.12 Sidewalk

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

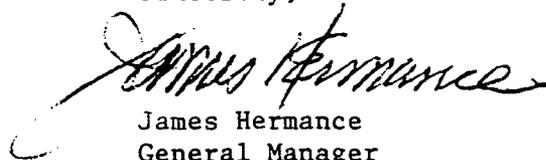
Dear Board Members:

We respectfully request that you approve the following agreement.

At such time as a comprehensive sidewalk plan is developed for Great Road or at such time as sidewalks may be installed along Great Road at either of the properties (northerly or southerly) adjacent to the subject premises (whichever occurs earlier), and when so directed by the Board of Selectmen, we will install, or cause to be installed, at our expense, a sidewalk along the front of this property along Great Road.

The sidewalk shall be designed and constructed to the then current specification of the Sub-Division Rules and Regulations of the Town of Acton and its design and location shall be subject to the approval of the Board of Selectmen prior to installation.

Sincerely,



James Hermance
General Manager
A.C. Chevrolet, Inc.
171 Great Road
Acton, MA 01720



10/20/92 - (11)

W. ROBERT PATTERSON & ASSOCIATES

July 7, 1992

Mr. Donald P. Johnson, Town Manager
Town of Acton
472 Main Street
Acton, Massachusetts 01720

Subject: An Acton Community-Based Energy Efficiency Project.

Dear Don:

Bill, Mick and I want to thank you and John for taking the time to discuss the concept of a "Community-Based Energy Efficiency Project" for the Town of Acton.

We believe an "Acton Conserves" Project would provide several benefits to Acton's residents and businesses :

- o Reduce energy costs - electric and gas - for homes , retail, and institutional customers. This would help keep more money in the pockets of the residents, make business more competitive, and help hold down increasing operating costs for institutions.
- o Improve the quality of electric and gas service to the Town.
- o Apply Project funding to the community resulting in local jobs and contracted work opportunities for the Town's tradespeople.
- o Create increased recognition for Acton, a high profile, first-in-the-state, Town betterment project which would showcase Acton's skills in achieving a community initiative and building community pride.

As we discussed, I have enclosed a summary profile of the events in an "Acton Conserves" project to give you and the Town an idea of the Project components and development path. Our role in the Project would be to act as advisors, coordinate research and planning, and provide general assistance to the community-based and staffed Project management entity.

We anticipate the funding for this "Community-Based Energy Efficiency Project" to be provided by the electric and gas utilities serving the Town through their conservation programs and their community assistance development funds. Our compensation as your Project advisors would be paid for through these funds.

Mr. Donald P. Johnson
Town Manager, Acton
Page 2

We are prepared to discuss the Project steps, development funding and the energy savings in greater detail the next time we get together.

Don, I will give you a call next week to get your thoughts on the attached Project description and to plan the next steps.

Sincerely yours,

Bob Patterson

W. Robert Patterson

WRP/sj
cc: W. Cady & M. Fiato.

Mr. Donald P. Johnson
Town Manager, Acton
Page 3

MEMORANDUM

Date: July 7, 1992

To: Don P. Johnson, Town Manager, Acton
From: Bob Patterson - W. Robert Patterson & Associates.

Subject: Community-Based Energy Efficiency Project for Acton

An "Acton Conserves" project would be planned to provide the community, both residents and businesses, with professional advice and support through utility financial sponsorship to plan and deliver energy efficiency measures to the community in a highly targeted and cost effective manner. The goal of the project is to achieve a high level of customer participation - market penetration - through low cost community directed delivery systems. The combined effect of this two part goal is the low cost per energy efficiency measure implemented for the utility customers. The key to effective implementation lies in utilizing community leadership to motivate and enlist citizen participation in a true community inspired endeavor.

"Acton Conserves" Project Design:

The Project design is based upon a Project Team consisting of selected Acton community leaders, a professional staff of advisors and facilitators, a community Project staff, and the sponsoring utility(s). The selected Acton Community leaders with representatives of the community's residents and businesses will take the lead in determining, local preferences for the types of energy efficiency measures, marketing and outreach methods, selection of contractors and professionals, and overall delivery of the energy efficient measures.

The "Acton Conserves" Project Staff will operate under the umbrella of a community agency to provide local program administration, and contracting for procurement of implementation equipment, materials and installation services. The professional staff of advisors and facilitators - Mick Fiato and Bob Patterson - will work with the "Acton Conserves" Project Staff throughout the Project's planning and implementation phases to provide general guidance on effective energy efficiency measures, consumer research, marketing, Demand-Side Management(DSM) technologies, and management and organizational issues.

The host utility(s) will provide the funding for the Project through its energy efficiency and conservation services. The utility(s) will coordinate and integrate the Project's goals and activities within their own energy efficiency - DSM - programs. The utility(s) staff will participate in the initial Planning Phase and utility DSM program resources will be made available to the Project's Implementation Phase.

To assist in Project outreach, Steve Thomas, host of the popular PBS television series "This Old House" is available to act as moderator and publicist for a series of Town meetings to focus Acton's attention on the selection of energy efficiency measures and to monitor the Town's progress in the implementation phase. Steve's participation can help

W. ROBERT PATTERSON & ASSOCIATES

Page 1

highlight public participation in the planning & decision-making process and serve as mentor in resident or contractor installed measures.

"Acton Conserves" Project Steps:

The "Acton Conserves" Project is comprised of two phases; the planning and development phase, and the implementation phase.

Planning and Development Phase (5 months):

The following steps provides a brief description of the tasks to be undertake in the Planning and Development Phase of the Project.

- o Assist the community to identify cost effective energy efficiency measures and to establish Project goals and achievable objectives.
- o Develop a community profile of values, attitudes and behavior concerning energy conservation and broader quality of life issues.
- o Assess opportunities, benefits and costs for including specific energy efficiency measures in the "Acton Conserves" implementation plan. Assess other community opportunities to conserve water, waste, etc. that might also be included in the "Acton conserves" plan.
- o Define and prioritize energy efficiency measures for community participation and assess the impact of these measure on the utility(s)' demand and energy requirements and the effective cost per kW, kWh, therm and MDQ delivered.
- o Develop marketing strategies and tactics to promote conserving behavior and community participation in the "Acton Conserves" project.
- o Prepare the Implementation Plan for the next phase of the Project and set forth the Project's budget for administration, marketing and delivery of the community selected energy efficiency measures.
- o Assist Acton in obtaining effective implementation capabilities and services.

Implementation Phase (30 months):

- o Establish a local implementation office with program management systems;
- o Hire and train local program administration staff;
- o Install management & control systems (project reporting, personnel, procurement and financial controls);

- o Produce collateral marketing materials;
- o Establish vendor relationships (equipment , material, labor);
- o Solicit low cost and volunteer assistance for Project promotion and outreach;
- o Initiate promotion and outreach activities;
- o If needed, contract for specialized DSM services;
- o Initiate field services (starting with residential measures implementation);
- o Solicit and coordinate trade allies.;
- o Rollout other DSM programs;
- o Track performance and monitor results.

Prolog:

At the conclusion of the Implementation Phase, the Project Advisors will assess post-program options for, and prepare a report on continuation of the program under community and utility(s) sponsorship.

The "Acton Conserves" Project will benefit the community through the self-determination in targeting and achieving their own energy efficiency objectives. Project participants will benefit from reduced energy costs. Jobs will be created for local residents. Equipment, materials, and services will be purchased from local merchants and contractors.

The sponsoring utility(s) will benefit by low cost reductions in customer demand which will help defer the need for more expensive energy supply capacity and expensive upgrades to distribution systems. The utility(s) will gain insights into customer preferences and energy use and will be able to contribute directly to improving customer service. This will greatly aid customer satisfaction for his utility service.



Meet Steve Thomas, Host of
the popular TV series
"This Old House"

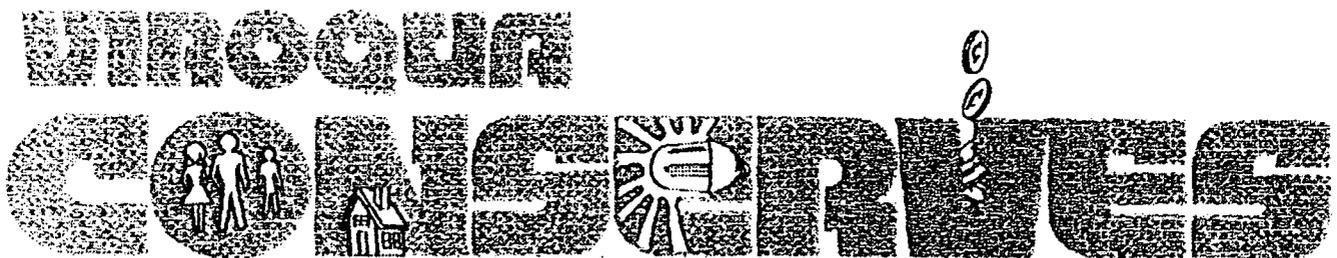
The Votes Are In!!
Find Out The Results
At The
Viroqua Conserves
TOWN MEETING

HOSTED BY STEVE THOMAS

Join your friends and neighbors and hear the
results of the Viroqua Energy Referendum.

Find out how VIROQUA CONSERVES will save
energy and money in your home and
workplace.

Viroqua Middle School Lecture Room
Monday, September 21
7:00 p.m.



For Information Call The Viroqua Conserves Office 637-8702

cc: BOS

File
10/20

MEMORANDUM

OCT - 9 1992

TO: Local Government Managers
- Chelmsford, Groton, Littleton, Acton, Ayer and
Harvard

FROM: Robert J. Halpin, Town Manager, Westford

DATE: October 7, 1992

RE: School Choice Compact

Several communities have expressed a strong desire to move forward on the concept of a School Choice Compact along the lines discussed at previous meetings and as generally described in the enclosed material.

If we wish to move forward I suggest a meeting on

Friday, October 16, 1992
10:30 AM

Fletcher Library, Mary Atwood Room.

Superintendent Crisafulli is notifying the other Superintendents of Schools who have been involved in this effort. Please give Mary Blane in my office a call at 692-5500 to confirm your attendance.

RJH/mb

SCHOOL CHOICE COMPACT

OVERVIEW

Enactment of School Choice legislation in Massachusetts presents the opportunity of enhanced educational opportunity for students as well as challenges for local school systems which must now adapt to a new value system based on competition. The focus of debate and discussion as to the merits of School Choice to date has focused on the financial implications for school systems and local communities as students and parents exercise the option of moving from one school system to another. Because the legislation was hastily drafted and enacted without broadbased discussion and understanding of the program, the consequences of its implementation cannot be entirely predicted. It is clear, however, that implementation of the program has set up a new dynamic between previously isolated and independent school districts.

With an eye towards exploring avenues to better manage the area wide implementation of the school choice program, local government managers and superintendents of schools for several area communities have met on three occasions to discuss areawide management of school choice. There is precedent for such coordination in that school systems in the Blackstone Valley area had entered into a formal compact to govern the transfer of financial resources between communities. The Governor's office and the Department of Education have encouraged such coordination and experimentation. The discussion group concluded that there was both a need and desire among area communities to better manage to school choice program to assure that it in fact achieved the goal of enhanced/expanded educational opportunity for all students.

Therefore the group participants agreed that they would individually explore the concept of an areawide school choice compact within their individual communities. If sufficient support existed among school committees for the concept of such a compact, the participants would resume discussion on the details of such an approach over the summer of 1992.

SCHOOL CHOICE COMPACT

GOALS AND OBJECTIVES

The Compact shall strive to make the benefits and opportunities of the School Choice program available to all students within the compact based upon individual needs, educational goals and the desire of individual students and parents to maximize educational opportunities. In short, the Compact is viewed as a broker whose role is to match the individual needs or goals of students with available or potential educational opportunities wherever they may be found.

The Compact shall manage the transfer of financial resources between participating communities to achieve a more rational allocation of these resources among sending and receiving districts. The allocation of resources should bear some reasonable relationship to the incremental increase in costs associated with accepting an additional student plus some predetermined rate of return for quality.

The Compact, through interlocal cooperation and planning, shall draw on the academic and co-curricula strengths of member communities to the greater benefit of participating students.

The Compact shall strengthen the full range educational programs in each participating community or district through coordination and interlocal cooperation and planning to the greater benefit of all students.

The Compact shall provide individualized, customized educational planning and guidance to parents and students in member communities in order that the full range of opportunities throughout the compact are outlined in light of the students individual educational goals and needs.

The Compact shall assist parents and students in evaluating and addressing other costs and aspects of exercising School Choice, including transportation needs.

TOWN OF ACTON
INTERDEPARTMENTAL COMMUNICATION

DATE: October 14, 1992

TO: Don P. Johnson, Town Manager
FROM: Garry A. Rhodes, Building Commissioner *GAR*
SUBJECT: Bond Release, C & D Glass/477 Great Road

As you are aware, \$4500 of the \$5000 bond was released last February. \$500 was retained to ensure the landscaping was completed along Great Road. I have inspected the property and find that the landscaping has been restored to my satisfaction and I am authorizing the release of the final money, including interest.

(901)

CC: BOS -

10/15/92

GARRY HAS RELEASED THESE FINAL
MONEY IN ACCORDANCE WITH YOUR
DIRECTIONS (SEE ATTACHED). THIS CORRESPONDENCE
IS FORWARDED FOR YOUR INFORMATION.

[Signature]

TOWN OF ACTON
INTERDEPARTMENTAL COMMUNICATION
TOWN MANAGER'S OFFICE

DATE: Feb. 28, 1992

TO: Board of Selectmen
FROM: Don P. Johnson, Town Manager
SUBJECT: C&D Glass

Staff has been working with C&D Glass since last Fall regarding their request to have their \$5000 Site Plan Security Deposit refunded. At the time of their request the required sidewalk on Great Road had not been completed (partly because the State Permit was not issued until August/September) and they were so advised.

As you can see from the attached reports, there are two concerns at this time:

- (1) The landscaping could not be completed in the vicinity of the sidewalk after it was installed this winter.
- (2) There is a storage trailer that concerns Garry Rhodes.

I have spoken with Garry regarding his concerns. At this time I would recommend that the Board authorize reduction of the security to \$500 (return \$4500) and delegate authority for the ultimate release of those monies to the Building Commissioner. Said release to occur only when the landscaping has been restored to his satisfaction. Garry has indicated that he will pursue details on the storage trailer separately. If it proves to be in violation of our bylaws he will take the appropriate steps to address the matter, independent of this Site Plan.

cc: Garry Rhodes



Town Manager
Information

OCT - 9 1992

10/4/92

CC: BOS - FYI

Dear George Robinson

I am writing to
that the police department
for a very timely response to
my call. When I awoke at 4 AM,
I found a very bright light
coming up from the 1st floor (we
always leave lights off). Natu-
rally I was very frightened over
thought I heard no sounds.
I woke my son + my son + I
+ the 2 small dogs + I cut went
into my bedroom very quietly
+ closed the door, being very
frightened I could not think
of what to do but my son

told me to call the police.
When I called Disaster
Antonelli answered +
dispatched ~~to~~ Office James
Goodenote immediately +
then took the time to stay
on the phone with me
~~until~~ until Office Goodenote
arrived. Having that immedi-
ate + constant phone connec-
tion to the police was extremely
helpful. Once Officer Goodenote
arrived I finally went
downstairs to let him in +
to my surprise my house was
not trashed or burglarized.
It then ~~may~~ made me think
that perhaps the touch lamp
on the piano, may have been

turned on by my cat. But
because of the brightness it
means he touched it 3 times.
We looked chaughout the
house + every thing was in
order.

I just want to thank
you, Dispatcher Antonelli
+ Office Goodemote for helping
me very quickly, very
professionally + in a way to
delete some of my very heightened
anxiety even before Office
Goodemote arrived

Thank you. Sincerely
Dorothy Kelly

ANDERSON & KREIGER
ATTORNEYS AT LAW

STEPHEN D. ANDERSON
(ALSO ADMITTED IN CT)

ARTHUR P. KREIGER
(ALSO ADMITTED IN NY)

GEORGE A. HALL, JR.

ALLAN R. FIERCE
(ALSO ADMITTED IN IL)

CYNTHIA HESLEN
(ALSO ADMITTED IN VT)

The Bulfinch Building
47 Thorndike Street
Cambridge, MA 02141
(617) 252-6575
FAX (617) 252-6899

OCT - 9 1992 Western Mass. Office:

20 Federal Street, Suite 1
Greenfield, MA 01301
(413) 774-3392
FAX (413) 772-2558

October 6, 1992

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

Re: Town of Acton v. W.R. Grace & Co.--Conn.

Dear Don:

Enclosed is a copy of W.R. Grace's Second Set of Interrogatories to the Town. These interrogatories are modeled after (plagiarized from ?) our interrogatories to Grace. The Town's answers are due on November 4, 1992. I am requesting that Allan Fierce and Doug Halley work together to do a first draft of answers by October 21.

Sincerely yours,



Stephen D. Anderson

SDA/jec
Enclosure

cc: Doug Halley
Allan Fierce, Esq.

ACT/COST/339/Johnson.005

7/10/3
CC: DOUG -

I HAVE ADVISED STEVE THAT
I AGREE W/ HIS REQUEST AND YOU
WILL BE CALLING ALLAN.

CC: BOS - FYI



FOLEY, HOAG & ELIOT

ONE POST OFFICE SQUARE
BOSTON, MASSACHUSETTS 02109

TELEPHONE: (617) 482-1390
CABLE ADDRESS "FOLEYHOAG"
TELECOPIER (617) 482-7347
TELEX 940693

IN WASHINGTON, D.C.
1615 L STREET, N.W.
WASHINGTON, D.C. 20036
TELEPHONE (202) 775-0600

WILLIAM J. CHEESEMAN

October 5, 1992

Stephen D. Anderson, Esq.
Anderson & Kreiger
The Bullfinch Building
47 Thorndike Street
East Cambridge, MA 02141

Re: Town of Acton v. W.R. Grace & Co.-Conn.
Civil Action No. 90-12356K

Dear Steve:

Enclosed herewith is the Second Set of Interrogatories of Defendant W.R. Grace & Co.-Conn. Please note that the answers are due thirty days from the date of service hereof.

If you have any questions, please call me.

Very truly yours,



William J. Cheeseman

WJC/ps

Enclosure

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

TOWN OF ACTON,
Plaintiff,

v.

W.R. GRACE & CO.-CONN.,
Defendant.

CIVIL ACTION
No. 90-12356K

BBO# 081780

SECOND SET OF INTERROGATORIES OF
DEFENDANT W.R. GRACE & CO.-CONN.

Pursuant to Rule 33 of the Federal Rules of Civil Procedure, defendant W.R. Grace & Co.-Conn. ("Grace") hereby requests that plaintiff Town of Acton ("Town") answer separately under oath each of the interrogatories set forth below within thirty days from the date of service hereof.

Definitions and Instructions

Grace incorporates herein the Definitions and Instructions set forth in its First Set of Interrogatories of Defendant W.R. Grace & Co.-Conn. to Plaintiff Town of Acton, except to the extent any term is differently defined in Local Rule 26.5(c).

In addition, the term "Locus" shall have the meaning defined in Plaintiff's First Set of Interrogatories served on September 11, 1992.

Interrogatories

1(a). Does the Town of Acton contend that it is a "State," within the meaning of 42 USC § 9607(a)(4)(A) and § 9601(27)?

(b). If so, please state the basis of this contention.

2(a). Does the Town of Acton contend that it has incurred necessary costs of response with respect to the Locus, within the meaning of 42 USC § 9607(a)(4)(B) and § 9601(25)?

(b). If so, please state the basis of this contention.

3(a). Does the Town of Acton contend that any necessary costs of response incurred by the Town with respect to the Locus are consistent with the national contingency plan, within the meaning of 42 USC § 9607(a)(4)(B) and § 9601(31)?

(b). If so, please state the basis of this contention.

4(a). Does the Town of Acton contend that it was threatened or damaged by a release or threat of release of hazardous material at or from the Locus, within the meaning of M.G.L. c. 21E, § 4 and § 2?

(b). If so, please state the basis of this contention, and, if any such threat or damage relates to real or personal property owned by the Town, identify each and every property owned by the Town that was so threatened or damaged, by outlining its boundaries and labeling it on an assessors, zoning or other map.

5(a). Does the Town of Acton contend that it undertook assessment, containment or removal with respect to any threat or damage from a release or threat

of release of hazardous material at or from the Locus, within the meaning of M.G.L.

c. 21E, § 4 and § 2?

(b). If so, please state the basis of this contention.

6(a). Does the Town of Acton contend that any assessment, containment or removal that it undertook, with respect to any threat or damage from a release or threat of release of hazardous material at or from the Locus, was undertaken by the Town in accordance with the Massachusetts contingency plan and consistently with assessment, containment and removal actions conducted by the Massachusetts Department of Environmental Quality Engineering, now known as the Department of Environmental Protection ("DEP"), within the meaning of M.G.L. c. 21E, § 4?

(b). If so, please state the basis of this contention.

7(a). Does the Town of Acton contend that it undertook a necessary and appropriate response action regarding any threat or damage from a release or threat of release of hazardous material at or from the Locus, within the meaning of M.G.L.

c. 21E, § 4 and § 2?

(b). If so, please state the basis of this contention.

8(a). Does the Town of Acton contend that it incurred reasonable costs of assessment, containment and removal regarding any threat or damage from a release or threat of release of hazardous material at or from the Locus, within the meaning of M.G.L. c. 21E, § 4 and § 2 as they were in effect prior to July 20, 1992?

(b). If so, please state the basis of this contention.

9(a). Does the Town of Acton contend that it incurred reasonable costs of a necessary and appropriate response action regarding any threat or damage from a release or threat of release of hazardous material at or from the Locus, within the meaning of M.G.L. c. 21E, § 4 and § 2?

(b). If so, please state the basis of this contention.

10(a). Does the Town of Acton contend that the Town is liable to any person for any threat or damage from a release or threat of release of hazardous material at or from the Locus pursuant to M.G.L. c. 21E, § 5, within the meaning of M.G.L. c. 21E, § 4?

(b). If so, please state the basis of this contention, and identify each and every claim, notice of claim or suit that has been asserted or commenced against the Town, including without limitation the identity of the claimant or claimants, the date of the claim or suit, the nature and basis of the claim, the amount claimed and the date, amount and payee of any payment made by the Town with respect to such claim or suit.

11(a). Does the Town of Acton contend that W.R. Grace & Co.-Conn. is liable for any threat or damage from a release or threat of release of hazardous material at or from the Locus, within the meaning of M.G.L. c. 21E, § 4?

(b). If so, please state the basis of this contention.

12(a). Does the Town of Acton contend that it has incurred or suffered any damage to its real or personal property as a result of any release or threat of release

of hazardous material at or from the Locus, within the meaning of M.G.L. c. 21E, § 5(a)(5)(iii)?

(b). If so, please state the basis of this contention, and identify each and every property owned by the Town that was so damaged, by outlining its boundaries and labeling it on an assessors, zoning or other map.

13(a). Does the Town of Acton contend that removal action with respect to the Locus was not completed before September 28, 1987, within the meaning of 42 USC § 9613(g)(2)(A) and § 9601(23)?

(b). If so, please state the basis of this contention.

14(a). Does the Town of Acton contend that physical on-site construction of the remedial action with respect to the Locus was not initiated before September 28, 1984, within the meaning of 42 USC § 9613(g)(2)(B) and § 9601(24)?

(b). If so, please state the basis of this contention.

15(a). Does the Town of Acton contend that the remedial action was not initiated more than three years after the completion of the removal action with respect to the Locus, within the meaning of 42 USC § 9613(g)(2)(B) and § 9601(24)?

(b). If so, please state the basis of this contention.

16(a). Does the Town of Acton contend that it did not know or have reason to believe before September 28, 1984 that there had been a release or threat of release of hazardous material at or from the Locus that threatened or damaged the Town?

(b). If so, please state the basis of this contention.

17(a). Does the Town of Acton contend that it did not know or have reason to believe before September 28, 1987 that there had been a release or threat of release of hazardous material at or from the Locus that threatened or damaged the Town?

(b). If so, please state the basis of this contention.

18(a). Does the Town of Acton contend that it did not discover, or reasonably should not have discovered, before September 28, 1987 that Grace is a person liable pursuant to M.G.L. c. 21E with respect to any threat or damage from a release or threat of release of hazardous material at or from the Locus?

(b). If so, please state the basis of this contention.

19(a). Does the Town of Acton contend that it incurred or paid response costs with respect to any threat or damage from a release or threat of release of hazardous material at or from the Locus on or after September 28, 1987, within the meaning of M.G.L. c. 21E, § 11A(2) and § 2?

(b). If so, please state the basis of this contention, identify all response costs which the Town incurred or paid on or after September 28, 1987 and, separately with respect to each item of such response costs, state the basis of the contention that such item is a reimbursable response cost within the meaning of M.G.L. c. 21E, §11A(2), § 4 and §2

20(a). Does the Town of Acton contend that it first suffered damage to real or personal property with respect to any threat or damage from a release or threat of release of hazardous material at or from the Locus on or after September 28, 1987,

within the meaning of M.G.L. c. 21E, § 11A(4)?

(b). If so, please state the basis of this contention.

21(a). Does the Town of Acton contend that it first discovered, or reasonably should have discovered, that Grace is a person liable pursuant to M.G.L. c. 21E for the release or threat of release that caused damage to real or personal property with respect to the Locus on or after September 28, 1987, within the meaning of M.G.L. c. 21E, § 11A(4)?

(b). If so, please state the basis of this contention.

22(a). Does the Town of Acton contend that it has substantially complied with the requirements of 40 CFR § 300.700(c)(5)(ii) and § 300.160 and 310 CMR § 40.602, with respect to all costs for which it seeks reimbursement in this action?

(b). If so, please state the basis of this contention.

23. Identify each person the Town of Acton intends to call as an expert witness at trial and for each such person separately state:

(a) the subject matter of the facts and opinions to which such person is expected to testify;

(b) the substance of the facts and opinions to which such person is expected to testify;

(c) a summary of the grounds for each opinion to which such person is expected to testify; and

(d) the education, business, professional or other experience, as well as

any other facts which will be offered at trial to prove the qualifications of such person.

Please also supplement the Town of Acton's answers to the First Set of Interrogatories of Defendant W.R. Grace & Co.-Conn., including without limitation the Town's answers to interrogatories nos. 4(b), 6(b) and 7.

By its attorneys,



William J. Cheeseman (BBO# 081780)
Brandon F. White
Monica Conyngham
FOLEY, HOAG & ELIOT
One Post Office Square
Boston, MA 02109
phone 617/482-1390
fax 617/482-7347

Dated: October 5, 1992

CERTIFICATE OF SERVICE

I hereby certify that on this date I caused the above paper to be served upon all counsel of record BY HAND/BY MAIL.


William J. Cheeseman



environmental engineers, scientists,
planners, & management consultants

CC: BOS - RF (COMPLETE DOCUMENT)
RETAIN

CAMP DRESSER & MCKEE INC.

Ten Cambridge Center
Cambridge, Massachusetts 02142
617 252-8000

October 7, 1992

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

OCT - 9 1992

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, Acton, Massachusetts
Preliminary Remediation Design

Dear Ms. Jennings and Mr. Benoit:

On behalf of W.R. Grace, Camp Dresser & McKee Inc. (CDM) hereby submits the following remediation design documents for your review and comments:

1. 30 Percent Design Plans
2. 30 Percent Specifications
3. 30 Percent Design Report Submittal

As discussed in a previous technical meeting, we will provide additional documentation if necessary, based on a review of these documents for content. We anticipate receiving comments after your complete technical review. Also included is a copy of page 2-23 of the Design Investigation Work Plan which was missing from the September, 1992 submittal.

Please contact me at (617) 252-8832 if you have any questions on this submittal.

Very truly yours,

CAMP DRESSER & MCKEE INC.

Bruce R. Conklin, P.E.
Associate

BRC:paa

Encs.

#798-117-DN-CVL

CDM

environmental engineers, scientists,
planners, & management consultants

cc: BOS

CAMP DRESSER & MCKEE INC.

Ten Cambridge Center
Cambridge, Massachusetts 02142
617 252-8000

October 5, 1992

Ms. Lynne Jennings
U.S. Environmental Protection Agency
Waste Management Division
Region 1
90 Canal Street
Boston, MA 02114

OCT - 9 1992

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

W.R. Grace & Co.
Addendum No. 1
MLF Recovery Well Specifications

Dear Ms. Jennings and Mr. Benoit:

As requested, Camp Dresser & McKee Inc. (CDM) has prepared an addendum for the MLF Recovery Well & Screen Length and Installation.

Please call Bruce Conklin (617-252-89832) or me (617-252-8818) if you have any questions.

Very truly yours,

CAMP DRESSER & MCKEE INC.


Kevin J. Riley

APPROVED:


Bruce R. Conklin, P.E.
Associate

KJR:paa

Enc.

#798-114-RT-PLSP

DISTRIBUTION:

Lynne Jennings (6)
Edmond Benoit (3)

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

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

798-113-RT-PLSP

Camp Dresser & McKee Inc.
Ten Cambridge Center
Cambridge, Massachusetts 02142

TO: All Bidders of Record

Date Issued: October 5, 1992

RE: Technical Specifications
Landfill Monitoring Wells
W.R. Grace & Co., Acton, MA

ADDENDUM NO. 1

This addendum shall be made part of the Technical Specifications for the above-referenced project.

Page 02670-5

Delete Paragraph 12.01A and substitute therefor the following Paragraph 2.01A:

"A. Well screen shall be an ASTM #276 Type 304 6-inch stainless steel screen, flush threaded on one end and sealed with a threaded plug on the other end. Slot size shall be as approved by the Engineer during construction."

Delete Paragraph 2.01C and substitute therefor the following Paragraph 2.01C:

"C. Screen shall be attached to the casing by welding."

Sheet No. C-2. Pumping Well Completion Detail

Delete reference to "10 feet of screen" and substitute "40 feet of screen" in its place.



environmental engineers, scientists,
planners, & management consultants

CAMP DRESSER & McKEE INC.

Ten Cambridge Center
Cambridge, Massachusetts 02142
617 252-8000

October 13, 1992

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

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

Subject: W.R. Grace, Acton, Massachusetts

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

Dear Ms. Jennings and Mr. Benoit:

On behalf of W.R. Grace, Camp Dresser & McKee Inc. (CDM) hereby submits the revised Phase I Field Investigation Program for the Blowdown Pit. This submittal incorporates issues addressed by the Government Parties during and following the October 2, 1992 technical meeting.

Please call if you have any questions.

Very truly yours,

CAMP DRESSER & McKEE INC.

Bruce R. Conklin, P.E.
Associate

BRC:paa

Encs.

#798-115-RT-WKPL

DISTRIBUTION:

Lynne Jennings (6)
Edmond Benoit (3)

cc: D. Halley, Acton (3)
P. Reiter, GZA (2)
D. Kronenberg, Grace (1)
J. Swallow, Pine & Swallow (1)
B. Leach, Concord Board of Health (1)
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C. Myette, Wehran-MDEP(1)
R. Eisengrein, ACES Tag Mgr. (1)



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION I

J.F. KENNEDY FEDERAL BUILDING, BOSTON, MASSACHUSETTS 02203-2211

cc: BOS

October 13, 1992

Mr. David Kronenberg
Manager of Environmental Affairs
Polyfibron Division
W.R. Grace & Co.
55 Hayden Avenue
Lexington, MA 02173

Re: Government Parties' comments on the Design Investigation Workplan, September 1992.

Dear Mr. Kronenberg:

The U.S. Environmental Protection Agency and the Massachusetts Department of Environmental Protection (the Government Parties) have reviewed the Design Investigation Workplan, September 1992. As stated on page 2-1 of the workplan, "the objective of the design investigation is to determine the horizontal extent of each lagoon/waste area..." Furthermore, the workplan states that "the information ... will be used to refine the quantity estimates for materials to be disposed of at the Industrial Landfill." At the October 2, 1992 technical meeting, Camp Dresser and McKee also stated that the objective of the investigation is to obtain additional information on the volume of wastes for the purposes of facilitating the bidding process. Based on these objectives, the Government Parties have two comments:

1. The investigation is strictly limited to delineation of the horizontal boundaries of each source area. However, to determine the volume of wastes to be disposed of at the landfill, it is also necessary to have accurate information on the vertical boundaries. The Record of Decision (ROD) provides the vertical boundaries for some of the source areas. For example, the ROD states that "the contents of the Battery Separator Lagoons, the Boiler Lagoon and the Tank Car Area will be excavated to a depth of at least 5 feet." For these source areas, the information obtained from the proposed design investigation and the information contained in the ROD is sufficient to estimate the volume of wastes to be disposed of at the landfill. However, for the remaining source areas (i.e. primary lagoon, secondary lagoon, emergency lagoon, blowdown pit, and north lagoon) the ROD does not specify the vertical depth. For the primary, secondary, and emergency lagoons and the blowdown pit, the ROD requires that "sludge and at least 2 feet of soil underlying the sludges" will be excavated. The ROD does not specify the total depth (sludge and soil) to be



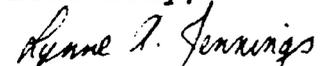
excavated. Therefore, additional information is needed on the depth of the sludge to develop an estimate of the volume of waste to be excavated. Similarly, for the north lagoon, the ROD requires that sediments be removed "at a minimum, to a depth equivalent to the low groundwater level..." The depth to low groundwater level must be specified to develop an accurate volume estimate. Therefore, the ROD does not contain enough information on the vertical depth of excavation to estimate the volume of waste to be excavated. This information must be obtained and submitted to the Government Parties for review as part of the design.

2. The investigation does not preclude W.R. Graces from complying with the post excavation analysis requirements in the ROD. Specifically, the ROD requires that "immediately following completion of remedial actions to excavate sludges and soils..., comprehensive horizontal and vertical sampling of soils will be performed to characterize residual contaminants at the disposal areas." Regardless of the results of the design investigation, comprehensive horizontal and vertical sampling will be required to demonstrate compliance with the cleanup levels in the ROD. The Post Excavation Sampling Plan must be submitted with the 60% design package and must be approved by the Government Parties prior to initiating construction.

W.R. Grace may proceed with the investigation as presented in the Design Investigation Workplan, September 1992. Please provide the Government Parties with the schedule for field work. In addition, please be advised that these two comments must be addressed prior to completing design to receive Government Party approval 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

cc: Richard Boynton, EPA
Bill Pencola, Ebasco
Michael Leblanc, MADEP
Charles Tuttle, MADEP
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.

cc: BOS

ACTON SCHOOL COMMITTEE

Junior High Library

For October 15, 1992 Meeting

AGENDA

- 7:30 I. CALL TO ORDER
- 7:31 II. APPROVAL OF MINUTES OF September 10, 1992 AND STATEMENT OF WARRANT
- 7:35 III. PERIOD OF PUBLIC PARTICIPATION
- 7:45 IV. EDUCATION REPORT - New Merriam School Presentation
- 8:10 V. SUPERINTENDENT'S REPORT FOR THE MONTH OF OCTOBER - William Ryan

RECOMMENDATIONS

- 1. Regional Action Requiring Acton Approval
 - a) Authorization for Application for School Assistance in Federally Impacted Areas
- 2. Appointment of Curriculum Specialist
- 3. Approval of Home Education Plan

- 8:20 VI. FOR YOUR INFORMATION
 - 1. Personnel Items
 - 2. *Curriculum Bulletin* for September
 - 3. *McCarthy-Towne School Bulletin* and Compendium
 - 4. *Conant Current Events*
 - 5. *The Douglas Digest*
 - 6. Survey of Kindergarten Parents re: School Selection Process
 - 7. Letter from the White House re: Joe McInerney's Selection for Presidential Award
 - 8. Georgia E. Whitney Memorial Fund Request
 - 9. Gates School News
 - 10. Brown Bag Forums
 - 11. Survey re: Maintenance at Gates
 - 12. Early Childhood Quality Network II Grant
 - 13. Status of P.P.E.A. Grant Applications
 - 14. Community Ed Sponsored Halloween Activities
 - 15. CESAME Grant
 - 16. Letter from Serendipity Child Development Center Parents
 - 17. Annual Professional Day Program

- 8:25 VII. WARRANT DISCUSSION
- 8:30 VIII. CONCERNS OF THE BOARD
- 8:45 IX. NEXT MEETING - October 29, 1992 - Junior High School Library- 7:30 p.m.
- 8:50 X. EXECUTIVE SESSION
- 9:15 XI. ADJOURNMENT

ACTON SCHOOL COMMITTEE

Conference Room
Junior High School

September 10, 1992

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

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

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

Warrant #93-004 in the amount of \$84,874.37 and warrant #92-103 in the amount of \$25,236.35 were signed by the chairperson and circulated to the other members of the Committee.

MINUTES: The minutes of August 24, 1992 were approved as written.

PUBLIC PARTICIPATION: None.

SUPERINTENDENT'S RECOMMENDATIONS FOR JULY

It was moved, seconded and unanimously

VOTED: To approve the selection of J.A. Roy Associates of Cambridge, MA to conduct the search for a new Superintendent of Schools as previously approved by the Regional Committee.

VOTED: To approve the reappointment of the following department chairpersons:

Elizabeth Mackay, Visual Arts, K-12
Anita Dodson, Reading, Health, Chapter II, K-12
Jim Guter, Music and Performing Arts, K-12
Kathy Carlin, Speech/Language, K-12
Andrew Palmer, Counseling Department, K-12
Nancy Kolb, Elementary SPED Chairperson

VOTED: To accept the resignation of Antonette Piccolo-Russell as Generic Instructional Consultant at McCarthy-Towne School.

VOTED: To approve a field trip by Dan Losen's fourth grade class at McCarthy-Towne to Camp Virginia in Bolton, MA, October 1, and 2, 1992. October 8 and 9 will be rain dates.

FOR YOUR INFORMATION:

Bill Ryan referred to an article from the Middlesex News comparing state support for public schools.

There was a brief discussion of the Acton Public Schools Lunch Program report. Bill noted that the end of year cash balance in 1991 was \$30,721.98, and for June 30, 1992 was \$63,262.60. Mary Branon said that Gates and Conant Schools had the highest participation rate.

Steve Aronson questioned if we were getting our monies' worth from participation in the USDA Reimbursement Program. Mary said that we do - we pay them 9% of the value of the commodities received. For every student who buys a type A lunch we are reimbursed .23 and for every reduced lunch \$1.37. Steve asked if it was cost efficient for us to stay in the program when we could sell more attractive food. Bill said he knew of some systems that have done this but they have had to make heavy investments in terms of changing kitchen equipment.

Bill Ryan said all schools had good opening days.

He said the enrollment figures for the elementary grades totaled 1960 as of September 9. The number of students in some grade 1, 2, and 3 classes exceed School Committee policy.

Mac Reid said that three first grade assistants have been hired: Odilia Proulx at Conant, Susan Lindquist at Douglas and Christine Hosmer at Gates.

Dan Leclerc said that three finalists for the math curriculum specialist position would be interviewed next week. As there was only one acceptable candidate for the language arts position, it has been re-advertised.

CONCERNS OF THE BOARD:

Steve Aronson said in view of the letter received from Dore' Hunter, the Coordinating Committee process should be addressed. He said the Selectmen voted unanimously to go ahead with the process with an emphasis on striving for compromise. Steve then moved that the Acton School Committee continue and extend its support of the Coordinating Committee process. The motion was seconded and unanimously approved.

Bill said the next meeting of the Coordinating Committee will be on Tuesday, September 15. He said that, hopefully, by November 1, budget guidelines will be finalized. At the October 1, meeting of the Regional Committee, under Concerns of the Board, it would be appropriate to discuss issues that relate to the Coordinating Committee process and the FY'94 budget process, costs and concerns raised in the memo from Dore' Hunter. Some of these issues deal with growth - the need next year for five additional classes at the elementary level carrying a minimum cost of \$260,000, the need to think about a responsible override figure, Special Education tuition costs and ways of dealing with it, NESWC transfer station's costs going up, health insurance and salaries, etc. Bill distributed copies and reviewed some of these issues included in last year's draft plan. He said it was imperative that we remain committed to the Coordinating Committee process. He will send copies of this year's draft plan to the School Committee. Steve Aronson said it was important to develop a joint budget, develop a reasonable level of free cash and come up with a three-year plan.

Steve Aronson and Micki Williams met with Don Gilberti and representatives of the cable company regarding the enhancement of cable television utilization in Acton and Boxborough. Discussed were the technical aspects of making all our buildings accessible for televising from. The technical problems that have prohibited live broadcast to Boxborough may be solved shortly. Don Gilberti will pursue this with the High School staff and hopefully, get students involved in production activity. He will also talk with elementary principals in regard to their making programs available. There is an educational channel (29) which has been set aside by our franchise that could be activated as well as receiving programming from the University of Lowell. It might even be possible to get feeds to towns from which we have a substantial number of choice students so they can participate. Don Gilberti will report on progress in a month.

Jean Butler reported on the scheduling of meetings of school and community groups with Jacqueline Roy. She said that most of those contacted were very grateful to be part of the process. On September 14, Ms. Roy will meet with mostly school and faculty personnel and with similar groups on September 17 in Boxborough. On September 24, many community groups have been scheduled. Jean said she and Micki have, hopefully, hit on a representation of organizations at every level of the community. It has been proposed that the public meeting in Boxborough be held at 8:30 p.m. on October 5 and that a combined APS/A-B meeting with Jackie Roy be held at 4:30 p.m. in Room 114 to discuss our issues and goals on the same date.

October 8 or 15 were suggested as possible dates for the public meeting in Acton. October 8 is a regularly scheduled Local School Committee meeting date, which would mean postponing the regular meeting until October 15. Dates will have to be cleared with Jackie Roy's office before any definite decision is made.

Jean asked members to get back to her by Monday, September 14 if they have any suggestions for the School Committee's reply to the Master Plan Coordinating Committee. There was a discussion as to whether the School Committee should be represented on this Committee. Micki said she did not see why the School Committee should be involved in non-school areas, but there were certain items indicated that were of interest to the Committee. She indicated #125 which deals with handicapped accessibility and #132 - the Coordinating Committee process. She also suggested #142 - reduction of traffic re: car pooling. She said the others were a stretch for the School Committee. Pam said the Master Plan Committee is not a political body that can make changes. Steve said he would represent the Committee if no one else wanted to. He said this body was in a perfect position to make suggestions regarding nursery schools, the development of an under-21 club, etc., - just be available for assistance. It would be inappropriate to advocate anything the Committee has not voted on. We have a great deal to offer the town and community. Lees suggested that they agree with the first section list, itemize #124, 125, 132 and 142, and advise that we are a resource for those items. It was moved, seconded and unanimously approved to send the draft letter as amended. Jean said if we are asked for a delegate we will call on Steve.

WARRANT: There was one question regarding our payments to J.A. Roy Associates. Bill said the contract stipulated three payments of \$4,000 each to be split equally between districts.

NEXT MEETING: Scheduled for October 8, 1992 in Room 114, Junior High Conference Room starting at 7:30 p.m. This may be changed to accommodate a public meeting regarding the superintendency search.

EXECUTIVE SESSION: No need for one.

The meeting was adjourned at 9:35 p.m.

Respectfully submitted,

Evelyn I. Smith,
Secretary, Pro Tempore

cc: BO



**Massachusetts
Housing Partnership**

88 Broad Street
Boston, Massachusetts
02110
(617) 338-7868
FAX (617) 338-8274

OCT 13 1992

October 1992

Dear Board of Selectmen:

I am writing to congratulate you on your community's affiliation with the Massachusetts Housing Partnership Fund (MHP Fund) for the upcoming year. Yours is one of over 130 cities and towns which are working to address housing needs through a collaborative effort between local government, community organizations, banks, and the private sector.

Over the last seven years, the establishment of local housing partnerships has significantly changed the way that affordable housing is developed in Massachusetts. These partnerships have created thousands of new and rehabilitated housing units, and more importantly, they have made the public sector and public resources much more responsive to the unique needs and character of each community.

Today, partnerships continue to be at the forefront of housing innovation in Massachusetts. In cities and towns across the state, partnerships are taking up the challenges of the housing market by making housing development responsive to local needs, working with banks to increase private investment in affordable housing, and developing first-time homebuyer programs in cooperation with realtors and lenders.

As an affiliated community, you are eligible for staff assistance, loans, grants and long-term financing from the MHP Fund. Enclosed is a certificate which documents your affiliation with the MHP Fund and acknowledges the continuing efforts by your partnership to address local housing needs.

I look forward to continuing our work together in the months and years ahead. Please call me at (617) 338-7868 if you have any questions about the MHP Fund or about the local efforts we are supporting across Massachusetts.

Sincerely,

Clark L. Ziegler
Executive Director

cc: Housing Partnership

—
PARTNERSHIPS
FOR
AFFORDABLE
HOUSING
—

THIS IS TO
CERTIFY THAT THE

Acton Housing Partnership

is affiliated with the Massachusetts Housing Partnership
and is hereby commended for its continuing efforts to
develop and preserve affordable housing.

Mary L. Padula
Secretary
Executive Office of
Communities & Development

Clark L. Ziegler
Executive Director
Massachusetts Housing
Partnership



Massachusetts
Housing Partnership

Spring, 1992

Vote YES on Question 3

Recycling Initiative Campaign

29 Temple Pl., Boston, MA 02111-1305 (617) 292-4824

Dear Nancy,

Thank you so much for volunteering to speak at your group meeting on behalf of Question 3. With the opposition spending over \$4 million on media advertising, it is imperative that we get the facts out about Question 3.

Enclosed you will find a fact sheet and a list of speaking points for you to look at before your meeting. I have also enclosed a volunteer sign-up sheet for anyone interested in helping the campaign. As I mentioned over the phone, we are putting together a statewide neighbor-to-neighbor campaign, and could use as many volunteers in your area as we can find. Activities that people could help us out with include: covering polls on Election Day (holding signs, answering questions), distributing leaflets, getting other people to put lawn signs up in support of the Initiative, and the list goes on. We are doing a number of things to make sure that people hear the truth about Question 3, and to let people know to vote Yes on 3.

Over 1700 organizations have endorsed the Recycling Initiative in order to show their support for the solution to our solid waste crisis. I have enclosed an endorsement form for your group, in case you haven't already publicly shown your support for our campaign.

Thank you again for your help in spreading the word about Question 3! If you have any questions, please don't hesitate to call me at the number listed above. I will be getting in touch with you after your meeting to see how it went, and to gather the names and numbers of volunteers you signed up. Talk to you soon!

Sincerely,

Kelly McCrystal

Kelly McCrystal
for the Recycling Initiative Campaign

Vote Yes On 3!

*If you have any questions:
(617) 292-4824*

**** BACKGROUND INFORMATION ****

MESSAGE 1: WE'RE CHOKING ON OUR OWN TRASH AND ON WASTEFUL PACKAGING

TOO MUCH GARBAGE:

* MA generates 6.6 million tons of trash every year: over 1 ton per person

* One-third of our garbage (over 2 million tons) is packaging: MA throws away 25% more packaging than Belgium, twice as much as Austria (which has a million more people), and three times as much as Finland (which has only a million fewer people).

TOO LITTLE RECYCLING, TOO MUCH BURY & BURN:

In MA, we burn & bury 90% (50% incinerated, 40% landfilled) and recycle only 10%.

*** Problems with Incineration:**

-- Toxic air emissions (new report shows MA has second-highest level of mercury emissions, mainly because of incinerators).

-- Toxic ash goes to landfills.

-- Incinerators are expensive to build and run.

-- 9 incinerators in MA, from Berkshires to Cape Cod.

*** Problems with Landfills:**

-- They pollute water supplies: 41 landfills are on DEP's list of confirmed hazardous waste sites, and wells in 8 towns [Auburn, Berkley, Carver, Easton, Leicester, Mashpee, Newton, and Tyngsboro -- pick ones nearest your house party] have been closed bec. of suspected landfill contamination.

-- They smell bad, take up space.

-- There won't be many left in a few years: three-quarters of MA's 139 active landfills will fill and close by 1997.

* Problems with throwing material away rather than recycling it: besides creating disposal problems, it means more virgin materials production, which (1) depletes natural resources, (2) creates far more pollution than using recycled materials, and (3) uses far more energy than recycling.

MESSAGE II: WE'RE DOING OUR PART, INDUSTRY MUST DO THEIRS:
Q.3 IS NEEDED TO CLOSE THE RECYCLING LOOP AND
MAKE RECYCLING WORK

SUPPLY IS NOT THE PROBLEM: When simple, convenient recycling programs are set up, people participate. But sorting your trash and putting it out to be collected is only the first step in recycling. Businesses then need to take that material, turn it into new products, and sell them back to us -- that's recycling.

Q.3 WILL GET BUSINESS INTO THE LOOP

What Q.3 requires:

* Most packaging used in MA must meet any one of 5 simple recycling standards by 1996, or try for an exemption -- this gives companies FOUR YEARS to adapt their packaging (which they change every few years anyway) or to raise statewide recycling levels.

[Make sure you understand the 5 standards, and give SPECIFIC examples to explain them; for example:

* Reusable standard: refillable milk and beer bottles, shipping crates, anything refillable.

* Reduction standard: elimination of those foot-long cardboard CD boxes, selling detergent concentrates.

* Recycled content standard: cardboard cereal boxes, plastic Tide detergent bottles.

* Recycling rate standard: every glass bottle will qualify once glass is recycled at 25%.

* Recycled package standard: Kodak now collects and recycles its plastic film cannisters.

How Q.3 will solve the problem:

* Q.3 will give manufacturers, suppliers, and retailers a stake in ensuring that recycling happens -- they will have to either use less material, use recycled material, or make sure their products actually get recycled.

Q.3 standards are achievable:

* Paper, glass, aluminum, steel, and some plastics are already at or approaching 25% recycling rates -- Q.3 will ensure that those rates continue to rise to 50%.

* Many products already on the market comply with the standards: -- aluminum and steel cans, glass bottles and corrugated cardboard boxes often contain high levels of recycled material;
-- PET soda bottles are recycled at an 80% rate;
-- Proctor & Gamble's Downey laundry detergent comes in recycled plastic bottles, with refills sold in concentrated form (source reduction) in recycled cardboard containers

* New developments in packaging (or old packaging technologies, like refillable beer and soda bottles) and new recycling technologies make compliance feasible for everyone

-- Chesapeake Corp. in VA has invented a new paper recycling process that cuts the cost by 33%

-- GE (in Pittsfield) invented a plastic milk container that can be reused 100 times, then recycled into other products.

-- Internat'l Paper is developing ways to make coated milk cartons out of recycled paper, and also to recycle them

-- Styrofoam cushioning material can be replaced by recycled cardboard inserts (AT&T) or new reusable Ethofoam (Dow)

Q.3 will protect food safety:

* Exemptions are provided for health, safety and freshness, and for products for which there is no complying packaging yet.

Q.3 will help the economy & create jobs:

* Recycling creates jobs: .

-- Recycling is more labor-intensive than incineration and landfilling.

-- Recycled materials processing will mean a net gain in jobs here, since MA has no virgin materials industries (like mining and timber) to displace.

EXAMPLE: 1 out-of-state oil refinery employee produces the same amount of raw plastic material as the 240 in-state employees of EnviroPlastics, a plastic recycling firm.

NEW STUDY: A new DEP report concludes that recycling 1 million tons of material in MA will create 10,000 jobs and pump \$700 million a year into the MA economy.

Q.3 does not rely on government bureaucracy:

* Businesses will figure out for themselves which standard to meet, and how best to meet it.

* DEP estimates they will need only 5-10 people to oversee the program and spot-check packaging for compliance.

MESSAGE III: Q.3 OPPONENTS OPPOSE RECYCLING SO THEY CAN PEDdle MORE TRASH

OBSTACLES TO REDUCTION & RECYCLING:

* Industry's short-term interest is to design for disposal, not reuse -- so that consumers have to buy more.

* Since we consumers pay for trash disposal with our tax dollars, industry doesn't care -- they "dump" the problem on us.

* The cost of collection is not offset by selling the collected materials, because of lack of industry demand for those materials -- they can't be sold for a high enough price.

THE SAME CORPORATIONS WHO DESIGN FOR DISPOSAL AND REFUSE TO USE RECYCLED MATERIALS ARE LEADING THE FIGHT AGAINST Q.3

* WHO THEY ARE: The plastics industry (Dow Chemical, DuPont, Exxon), major packagers (Proctor & Gamble, Philip Morris, Ralston-Purina), and packaging suppliers (International Paper)

* THEY ARE MAJOR POLLUTERS: they are without exception the most flagrant violators of the nation's environmental laws, and they profit from every pound we discard.

-- Dow: fined \$11.7 million by EPA since 1976

-- DuPont: fined \$11.8 million since 1976

-- Occidental: fined \$16.7 million since 1980

-- International Paper: fined \$5.2 million since 1976

* THEY OPPOSE RECYCLING: they fight recycling and packaging reform legislation here, in other states, and in Congress.

-- They are wolves in sheep's clothing: the "Committee for Responsible Waste Management & Jobs" is their Orwellian title

-- If they spent half the money on recycling that they spend on advertising their wasteful products and lobbying against environmental laws, we wouldn't need Q.3, and we wouldn't pay so much for excessively packaged products.

* THEY ARE WAGING A CAMPAIGN OF DISTORTION & DISINFORMATION:

-- They claim Q.3 will drive away jobs, jeopardize food safety, empty store shelves, & create a govt bureaucracy: claims which are all false (see part III, below).

-- They trotted out many of these same arguments,

unsuccessfully, to defeat the Bottle Bill: that law that accounts for half of everything MA now recycles.

-- Their concern for saving money and jobs doesn't prevent Dow, DuPont, Ralston Purina, WR Grace and the others from paying their top executive officers millions of dollars annually.

CEO of Dow: \$1.06 million in 1991

CEO of DuPont: \$1.35 million in 1991

CEO of Occidental Petroleum: \$2.34 million in 1991

-- Instead of seizing the opportunity to become global leaders in the coming shift to environmentally sound products, they threaten to leave the state -- ignoring success stories like AT&T (see sample presentation)

IV. THE PUBLIC SUPPORTS PACKAGING REFORM & RECYCLING

* A quarter of a million people signed petitions (twice!, in 1990 and 1992) to place Q.3 on the ballot; the industry has no comparable grassroots support.

* Gov. Weld -- the strongest pro-business governor in years -- supports Q.3, he's the top signer of the petition, he's pledged to publicly support the campaign, he believes reduction & recycling are economical, possible, and necessary to keep us from being left behind the world economy.

* Endorsement list numbers over 1,700 VIPs, legislators mention the specific ones from the area you are in, doing the research ahead of time), environmentalists, businesspeople, local officials, local recycling groups, those on the front lines of recycling

* We are the public, the force of the people, representing public interest -- bring your talk at this point back to who the opposition is.

FINISH BY AGAIN BRINGING UP THE SCOPE OF SOLID WASTE PROBLEM (i.e. go back to MESSAGE #1). Tell people they have a chance to help solve the problem by voting YES ON 3 on November 3.

3. Updates

- A. The Development Guide is now complete and printed on blue paper. The Chamber of Commerce may distribute these in an upcoming flyer, but meanwhile they will be available at their office. Of course copies are also available from the Acton Planning Department.
- B. The deadline for comments on the "Matrix for Master Plan Responsibilities" is Sept. 15th, however, the Committee will welcome comments received after that date. So far only the Recycling Committee has responded. A reminder notice should probably be sent out to delinquent boards and committees after the next meeting.

4. Transfer of Development Rights

Roland made a lengthy and very informative presentation on the subject of transfer of development rights (T.D.R.) as currently contained in the Zoning Bylaw. This subject will be continued at the next meeting.

5. Other Business

None

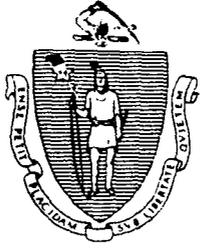
6. Next Meeting

Date: September 29

Agenda: Continue TDR Familiarization

David Abbt

cc: Town Clerk	Historic District Commission
BOS	Board of Health
Conservation Comm.	Municipal Properties
Finance Committee	Housing Authority
Recreation Commission	Council on Aging
Commission on Disabilities	HDC
B. of Appeals	Planning



The Commonwealth of Massachusetts
House of Representatives
State House, Boston 02133

Oct 13 1992

MARK ROOSEVELT
 STATE REPRESENTATIVE
 8th SUFFOLK DISTRICT
 BOSTON

Chairman
 Committee on Education
 Arts and Humanities

ROOM 473G, STATE HOUSE
 Tel. (617) 722-2070

MEMORANDUM

TO: Education Advocate
 FROM: Mark Roosevelt
 RE: Education Reform Town Meetings
 DATE: October 8, 1992

Thank you for your recent participation in the series of regional town meetings held throughout our state. From Cape Cod to the Berkshires, advocates challenged, informed, and encouraged the legislative Committee on Education to draft a progressive and comprehensive education reform bill this year. Clearly, the need and support for reform is great.

The nine town meetings were successful for many reasons. Chief among these is the tremendous amount of input and advice we received from teachers, parents, students, school administrators, municipal officials, and business leaders. The perspective we gained will be of invaluable assistance as our Committee sets out to finalize our legislative draft.

One message came through loud and clear -- the need for consistent, stable, and adequate funding for public education from broad-based state funds rather than the already over-burdened property tax. In addition, there was resounding concern over the state establishing any mandates without paying for them!

The Committee also heard many thoughtful proposals and solutions on how to make our schools perform better. These include the following: support for shared decision making and local control over schools; the need for more comprehensive assessment of our students and our schools; a call for early childhood education programs similar to Head Start; and increased focus on school-to-work transition programs for the non-college bound.

Page Two

Some of what we heard was contradictory. For example, time and again we heard testimony calling for the state to set maximum classroom sizes. Yet, we also heard vigorous opposition against additional state mandates dictating how local schools should be run.

Another important result of these meetings has been our success in focusing public attention on primary and secondary education and the issues of reform. These forums have been a catalyst for renewed community involvement around public education. It is our job to capitalize on this momentum. As I have mentioned, the success of education reform will depend on the active involvement and support of advocates on the grassroots level. We will need to expand the traditional coalition of support beyond parents, teachers, and school officials and make the case to everyone that public education is essential to our economic future.

I am strongly committed to achieving real reform for our schools and our kids. By the end of October, there will be a comprehensive bill that I will support and fight for. Although we may not agree with everything in this bill, both you and I should overlook minor disagreements and embrace the overall goals of the legislation.

I consider you a partner in the fight for dramatic change and improvement for our schools. Over the coming months, I will need your support and assistance with the challenges we will face. There is a lot of work to be done. I hope I can count on you.

Thanks again for your participating in our town meeting series. Please stay in touch and be assured, you'll be hearing from me again soon!

MR/cc

cc: BOS; Roy w
Chris Plone Feb ✓ 10/10

PALMER & DODGE

One Beacon Street
Boston, Massachusetts 02108

OCT - 1 1992

Henry G. Stewart
(617) 573-0316

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

September 30, 1992

Mr. John Murray
Assistant Town Manager
Town of Acton
472 Main Street
Acton, Massachusetts 01720

Dear John:

I enclose a copy of the Superior Court award in the Billerica case. It appears to be consistent with authority from the Massachusetts Labor Relations Commission that the town has a nondelegable right to determine the level of public services that will be delivered to the public. However, while I am not aware of any judicial cases in point, the Commission has held that the number of firefighters on a piece of fire apparatus when that apparatus responds to an alarm is a mandatory subject of bargaining to the extent that such coverage raises a question of safety.

At this point, I do not believe that the decision, by itself, has relevance to our firefighter agreement since, as you know, the Town has not maintained minimum manning levels, but has bargained over safety issues relating to initial response and other related matters.

I also have your letter concerning classifying employees as employees or independent contractors. Such determinations are generally made on a case-by-case basis. While no factor is considered controlling, the following are some of the factors which courts have considered in determining whether an individual is an employee or an independent contractor:

1. The amount of the alleged contractor's investment in facilities and equipment;
2. The nature and degree of control remained or exercised by the employer over the contractor's work;
3. Opportunities for profit and loss by the contractor;

12-104-92

COMMONWEALTH OF MASSACHUSETTS

MIDDLESEX, SS.

SUPERIOR COURT
CIVIL ACTION
No. 91-4369

2

THE TOWN OF BILLERICA

vs.

INTERNATIONAL ASSOCIATION OF FIREFIGHTERS,
LOCAL 1495

MEMORANDUM OF DECISION AND ORDER ON
PLAINTIFF'S MOTION FOR SUMMARY JUDGMENT

INTRODUCTION

This matter is before the court on the plaintiff's motion for summary judgment. In the underlying action, the defendant union received an award by an arbitrator which it is now seeking to confirm. The plaintiff requests that the award be vacated on the grounds that this issue was not arbitrable and that the arbitrator exceeded his authority. Based on a review and the arguments of counsel, this court ALLOWS the plaintiff's motion for summary judgment.

BACKGROUND

Plaintiff, the Town of Billerica (Town) and the defendant, International Association of Firefighters, Local 1495 (Union) are parties to a collective bargaining agreement covering the period of July 1, 1989, through June 30, 1992. The agreement was executed at a time when the Town maintained five fire stations. Article IV, section 4 of the agreement provides that the Town maintain a

minimum level of seventeen firefighters on duty at all times. Based upon a decline in revenues and severe budgetary and economic pressures, the Town was forced to reduce its budget in all areas. As a result, one fire station was closed and the sums of money appropriated in the budget for the overtime for firefighters was reduced. The Town also reduced the "minimum manning" requirement from seventeen firefighters to fourteen firefighters on duty at all times. No firefighters were laid off by these budget cuts.

The Union grieved the Town's decision to reduce the "minimum manning" level from seventeen to fourteen firefighters. The grievance was denied internally as being a matter which was not within the jurisdiction of arbitration. The Massachusetts Board of Conciliation and Arbitration was called upon to resolve the dispute by the Union. The town reserved its right to protest that that forum had no authority to arbitrate this matter. On May 23, 1991, the Board made an award in favor of the Union.¹ The Town filed this complaint to vacate the award of the arbitrator. The Union has requested that the award be confirmed. The question presented by this case is whether the dispute was arbitrable.

DISCUSSION

Summary judgment shall be granted where there are no material facts in dispute and the moving party is entitled to judgment as a matter of law. Cassesso v. Commissioner of Correction, 390 Mass. 419, 422 (1983); Community National Bank v. Dawes, 369 Mass. 550,

¹ The Board acknowledged that the Town has raised the issue of arbitrability.

553 (1976); Mass. R. Civ. P. 56(c). The moving party bears the burden of affirmatively demonstrating the absence of a triable issue, and that the moving party is entitled to judgment as a matter of law. Peterson v. Time, Inc., 404 Mass. 14, 16-17 (1989). Where the party moving for summary judgment does not have the burden of proof at trial, this burden may be met by either submitting affirmative evidence that negates an essential element of the opponent's case or "by demonstrating that proof of that element is unlikely to be forthcoming at trial." Flesner v. Technical Communications Corp., 410 Mass. 805 (1991). Kourouvacilis v. General Motors Corp., 410 Mass. 706, 716 (1991). Once the moving party established the absence of triable issue, the party opposing the motion must respond and allege specific facts establishing the existence of a material fact in order to defeat the motion. Pederson, supra at 17.

The Union contends that there is a binding contract in place through June 1992 and that the Town breached this agreement when it reduced the "minimum manning" level from seventeen to fourteen firefighters. It alleges that the Town Administrator disregarded this collective bargaining agreement requirement and consciously requested a grossly inadequate budget appropriation. It also argues that the "minimum manning" provision is not a job security clause but was intended to ensure safety for firefighters and to provide overtime opportunities.

The Town argues that the "minimum manning" level clause was unenforceable beyond the first year of the collective bargaining

agreement because manning levels are a non-delegable managerial function.

Where a provision affects the Town's ability "to determine annually the employee size of its departmental units", it may be construed as a job security provision. See Saugus v. Newbury, 15 Mass. App. Ct. 611, 614 (1983). See also Boston Teachers Union Local 166 v. School Committee of Boston, 386 Mass. 197, 212 (1982) ("[a] provision in a collective bargaining agreement that attempts to restrict the ability of a school committee to determine on an annual basis the size of its teaching staff intrudes into an area of exclusive managerial prerogative"). A job security provision is only enforceable for one fiscal year. Saugus, supra at 614-615. In any event, "[t]he size of the town's total expenditures for fire protection [is] not an issue which . . . the town and its managerial officers [can] delegate for determination by a collective bargaining contract, or by arbitration under such a contract. Such substantive policy decisions are not to be dealt with by arbitration." Saugus, supra at 615 (emphasis added) (citations omitted). I find that the minimum manning level is a non-delegable prerogative within the Town's exclusive managerial discretion and is not subject to binding collective bargaining nor arbitration.

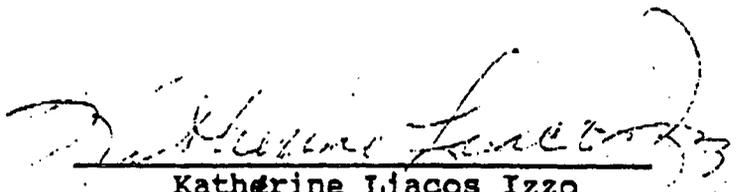
In addition, "[a]n arbitrator . . . has no authority to award damages for breach of a provision in a collective bargaining agreement where no appropriated funds are available to implement that provision." School Committee of Boston v. Boston Teachers

Union, Local 66, 395 Mass. 232, 237 (1985). See also Boston Teachers Union, Local 66 v. School Committee of Boston, 370 Mass. 455, 465-467 (1976). After the budget cutbacks, the Town did not have sufficient funds allocated in the overtime budget to fund the minimum manning level beyond the first fiscal year. Therefore, the arbitrator should not have made an award beyond allocations for the first fiscal year where funds were not appropriated in the budget.

General Laws c. 150C, §11(a)(3) provides that the Superior Court shall vacate an arbitrator's award where the arbitrator has exceeded his powers. Here, the provision is a non-delegable prerogative that is not subject to arbitration, nor were there available uncommitted funds to implement the provision. Therefore, the arbitrator exceeded his authority when he awarded damages to the Union.

ORDER

For the foregoing reasons, it is therefore ORDERED that the plaintiff's motion for summary judgment be ALLOWED, and that the arbitrator's award be vacated.


Katherine Liacos Izzo
Justice of Superior Court

Dated: July 7, 1992

COMMONWEALTH OF MASSACHUSETTS

MURPHY, HESSE, TOOMEY & LEHANE
DATE JUL 10 1992

MIDDLESEX, SS.

P

SUPERIOR
COURT
CIVIL ACTION
No. 91-11369

TOWN OF BILLERICA Plaintiff

v.

INTERNATIONAL ASSOCIATION OF Defendant
FIREFIGHTERS, LOCAL 1495

JUDGMENT

This action came on for (trial) (hearing) before the court,
KATHERINE L. DZO, J. presiding, and the issues having been duly (tried) (heard)
and findings having been duly rendered,

It is Ordered and Adjudged: THAT SUMMARY JUDGMENT ENTER
FOR THE PLAINTIFFS.
THAT THE ARBITRATOR'S AWARD BE VACATED.
(SEE MEMORANDUM OF DECISION THIS DATE)

Dated at CAMBRIDGE Massachusetts, this
EIGHTH day of JULY
.., 1992

.....
Nayon Emerson
Assistant Clerk

ANDERSON & KREIGER
ATTORNEYS AT LAW

STEPHEN D. ANDERSON
(ALSO ADMITTED IN CT)

ARTHUR P. KREIGER
(ALSO ADMITTED IN NY)

GEORGE A. HALL, JR.

ALLAN R. FIERCE
(ALSO ADMITTED IN IL)

CYNTHIA HESLEN
(ALSO ADMITTED IN VT)

The Bulfinch Building
47 Thorndike Street
Cambridge, MA 02141
(617) 252-6575
FAX (617) 252-6899

Western Mass. Office:

20 Federal Street, Suite 1
Greenfield, MA 01301
(413) 774-3392
FAX (413) 772-2558

October 9, 1992

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

Re: Cost recovery litigation

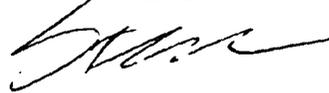
Dear Don:

Enclosed is our statement for services rendered in the above matter for the month ending September 30, 1992. Payments received after October 1 will be reflected in our next statement.

Please feel free to call me if you have any questions.

Thank you.

Sincerely yours,



Stephen D. Anderson

SDA:kt
Enclosure

act/cost

CHRIS -
PLS. PREPARE FOR PAYMENT.
7/10/16
Don
CC: BOS - FYE

ANDERSON & KREIGER
THE BULFINCH BUILDING
47 THORNDIKE STREET
CAMBRIDGE, MA 02141

10/05/92

REFERENCE NO. 7819

Town of Acton
Town Hall
Acton, MA

Cost recovery litigation

PROFESSIONAL SERVICES:

07/31/92	ARF	.10	\$90.00	FEE:	\$9.00
Telephone conference with L Jennings (msg)					
08/03/92	ARF	.10	\$90.00	FEE:	\$9.00
Telephone conference with L. Jennings and notes					
08/06/92	ARF	.10	\$90.00	FEE:	\$9.00
Conference with SDA re EPA tolling agrt					
09/03/92	SDA	.17	\$140.00	FEE:	\$23.80
Conference with SW re interrogatories to Grace					
09/03/92	SW	.42	\$70.00	FEE:	\$29.40
Conference with SDA re Contention Interrogatories Draft same					
09/04/92	SW	2.50	\$70.00	FEE:	\$175.00
Draft Interrogatories					
09/07/92	SDA	.58	\$140.00	FEE:	\$81.20
Review and revise contention interrogatories to Grace					
09/08/92	APK	.13	\$120.00	FEE:	\$15.60
Conference with SDA re interrogatories					
09/08/92	SDA	.35	\$140.00	FEE:	\$49.00
Review and revise FOIA Request Review and revise interrogatories					
09/11/92	SDA	.25	\$140.00	FEE:	\$35.00
Review and revise interrogatories					
09/11/92	SW	.83	\$70.00	FEE:	\$58.10
Review and revise interrogatories					

TOTAL FEES \$494.10

EXPENSES:

09/30/92	Photocopying	\$2.00
09/30/92	Postage	\$1.33

TOTAL EXPENSES \$3.33

TOTAL FEES AND EXPENSES.....	\$497.43
BALANCE FROM 05/01/92	\$0.00
TOTAL AMOUNT DUE 09/30/92	\$497.43

INDIVIDUAL RATE, TIME AND FEE SUMMARY:

Allan R. Fierce	\$90.00	.30	\$27.00
Stephen D. Anderson	\$140.00	1.35	\$189.00
Susannah Wise	\$70.00	3.75	\$262.50
Arthur P. Kreiger	\$120.00	.13	\$15.60

SELECTMEN'S MEETING
OCTOBER 6, 1992

DRAFT

The Board of Selectmen held their regular meeting on Tuesday, October 6, 1992, present were Dore' Hunter, Norm Lake, Nancy Tavernier, Anne Fanton, William Mullin, and Town Manager Johnson

CITIZENS' CONCERNS

Mr. John Doherty of 14 Deacon Hunt Road asked the Board to come up with a plan to solve the problem of parking that currently exists at the Lot. People are parking in illegal spots because the lot is full, he is upset he has to be at the lot so early to get a spot. He said we should look into charging \$1.00 per day as the MBTA does to correct this overcrowding. Nancy explained that the Board was addressing this issue currently and gave him an overview of the history of the parking issue and the efforts made to come to a consensus of the way this issue should be resolved.

PUBLIC HEARINGS AND APPOINTMENTS

BOSTON EDISON - Main Street

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

BOSTON EDISON - 13 Rear Oakwood

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

BOSTON EDISON OVERVIEW MEETING

Jack Goggins from Boston Edison and the line superintendent for this area were in to update the Board on several issues. The DPW emergency facility is set up and ready to go. They are in the process of constructing a new circuit on Powdermill Road which will serve School Street, Piper Road, Nagog Woods. They feel that Acton is currently from a structural point of view the best served community. They said that they have not experienced any delays since the Maynard move. They are currently in the tree trimming cycle and have experienced no problems. This is being overseen by the Tree Warden. Norm Lake asked for a copy of the latest line drawings, they said they would forward the circuit drawings as they become available.

GEORGIA E. WHITNEY FUND

William Ryan representing the Whitney Fund Trustees made a presentation to the Board requesting the \$4,000.00 balance in interest to be expended to finance a portion of the production of Ophelia. Bill Mullin asked what would be done with the overage if any and shortages in funds. Bill and Jack Ormsbee said that

although they expected to make and return money to the Whitney Fund, that in the event they found they would be short, they would canvass the community and get last minute donations. Jack Ormsbee outlined the proposed plans to make the auditorium handicapped accessible and making it the first in the region to accommodate both physical and hearing impaired citizens. DORE' HUNTER - Moved to approve the expenditure of \$4,000 from the G.W. Fund. NORM LAKE - Second. UNANIMOUS VOTE.

AC CHEVROLET - CLASS I

Lawrence Gordon the new owner of AC Chevrolet outlined his proposal for the dealership. While he had wanted to retain the original name AC Chevrolet, it was not possible so in keeping with the flavor of the community he has chose to name it Colonial Chevrolet. He said that outwardly no change would be observed since he has been the General Manager and handling the operations from the last three years. DORE' HUNTER - Moved to approve the Class I License to Colonial Chevrolet. NORM LAKE - Second. UNANIMOUS VOTE.

CONSENT CALENDAR

The Board approved the Consent Calendar with additional items of Bonfire approval and Disposal of surplus Dumpsters for Highway Dept. - DORE' HUNTER - Moved to accept with additional items as presented. ANNE FANTON - Second. UNANIMOUS VOTE.

SELECTMEN'S CONCERNS

Sunday Holiday Package Store Openings - DORE' HUNTER - Moved to approve the openings as outlined by ABCC. ANNE FANTON - Second. UNANIMOUS VOTE

Columbus Day Holiday Openings - The Board discussed the Columbus Day Holiday and the consensus was that they would not object to the stores in Acton being open and would support the Police Chiefs decision on this issue.

United Nations Day Proclamation - The Board reviewed the request to proclaim October 24th U.N. Day in Acton. Dore' Hunter asked that if we had a flag as mentioned in the letter we fly it. NORM LAKE - Moved to sign the proclamation. ANNE FANTON - Second. UNANIMOUS VOTE.

CML Site Plan - The Board reviewed the Site Plan Approval and make several corrections in spelling and also asked that Sunday be stricken from the conditions as an acceptable work day. DORE' HUNTER - Moved to approve conditions with corrections as noted. NORM LAKE - Second. UNANIMOUS VOTE.

FOSTER MASONRY - Norm asked for an update regarding Foster Masonry. Don said the building has been secured and they are negotiating presently.

COMMUTER LOT - Anne Fanton asked the Board to consider an interim plan to control the use of the lot. She suggested that a dump sticker be used as a permit to park and out of town vehicles would be required to pay \$100.00 per year or \$50.00 for 6 months. The stickers would be available at the Police station on Thursday evenings. After much discussion Anne withdrew her request as long as the problem was going to be addressed with the month.

NARA - The Board discussed the recent response from EPA and expressed frustration with the suggestions made by them. Nancy thought we should invite them to come in and meet with the Board and also do a site inspection with them.

MILL CORNER - Anne asked for the Boards direction regarding the recent memo from the Planning Board. Anne felt the land should be designated for Conservation use. Nancy, Don and Dore' expressed a concern that this designation would tie our hands if a non-impact use would arise for the parcel. That this is a very restrictive designation and that then the responsibility is turned over to the Conservation Commission and the Board of Selectmen has no control. Anne felt that was just what she wanted, she was concerned that in 20 years as land has been built out that the Town might put a parking lot or other structure there and wanted to prevent that. After much discussion staff was directed to inform the Planning Board that the Board agreed with the options as outlined in the memo of September 21, 1992.

MILL CORNER - Traffic mitigation, Bill Mullin said he was not in favor of a traffic light being installed at this time. Anne said she would call the Planning Board and let them know of the Board's discussion on this issue.

ACES - Nancy asked the Board if they wanted to pursue reimbursement of the \$1,372 expended by the Town to develop the RFP for Bioremediation. The Board decided that it would not seek reimbursement.

TOWN MANAGER'S CONCERNS

ZONING ARTICLES - Don asked if the Board wanted him for forward the proposed zoning articles to the Finance Committee. The Board directed him to do so.

COORDINATING COMMITTEE UPDATE - Don made a presentation on the coordinating committees recent meeting and its effects on Free Cash. Don spoke about enhanced revenues and pooled revenues. He further outlined the procedures that have been implemented to improve collections. Coordinating Committee Plan has revenues received back not put against the town side. Don said it was apparent that at the last Coordinating Committee Meeting these issues needed to be addressed. Don said he wanted several new positions, Personnel Director, Accounting Clerk, Engineering, Sanitarian, Collector and Police/Fire Dispatchers

plus a person at the Senior Center. Don empathized that these positions were needed to keep the organization above water. That especially in the Collections division, they have been running short for three years and that eventually they would give out the workload and responsibilities are too much.

John Murray outlined the Capital requests. It is an estimated 5 million in requests. Dore' asked about the affect of the ladder truck being out. John said hand ladders use of the snorkel and mutual aid. What they are proposing for the Finance Division is to increase personnel and upgrade the computer software. They are seeking the retain the funds gained to be used to fund the programs.

Dore' outlined for the Board his reaction to the last Coordinating Committees meeting. He was concerned that the cost of the software would not translate into something the average citizen could recognize and felt it was not going to be easy to defend, especially since there were increased personnel along with the software. He felt the fire truck issue would have to be addressed either by sharing or other ways. Nancy and Bill felt that the expense for software if recouped in 17 months was well worth the expenditure. Anne felt it was an area needed to be addressed and that the relative short payback for the benefit gained should also be looked into. Nancy wanted to talk about tax collection program as a self-funding program and wanted the Boards thought on classifying it as such for the Coordinating Committee Process. Anne and Nancy noted concern that the 2/3 split of taxes was not generally known. Anne also noted that Acton falls low on the town side and high on the school expenditure share compared to other Mass communities. Nancy wanted money turned back by the town side be set aside for the next year as incentive.

Don asked what they wished discussed at the Thursday meeting. Bill wanted the form changed and expanded to show where the flows are. The Board discussed the split and how it was originally formulated. Anne did not want 5% supported. Nancy wanted to see turn back wording. Dore' wanted the question of tax collection and the split addressed. John suggested we get NESWC issue addressed. Norm felt that if the school insisted on the payback of Deferral he could not support the override.

EXECUTIVE SESSION

The Town Manager requested that an Executive Session. DORE' HUNTER - Moved we go into Executive Session for the purpose of discussing Contracts. NORM LAKE - SECOND. Anne took roll call, all Ayes.

The Board adjourned at 11:00 P.M.

Clerk

Date

Christine Joyce

EXECUTIVE SESSION
OCTOBER 6, 1992

NESWC

Don Johnson updated the Board on the recent meeting he attended at NESWC. Although he did not know going into the meeting, the prime thrust of the meeting was to discuss the separation agreement of the Executive Director. Jerry Hopcroft has resigned as of this Friday and Henry Rugo has also left stating family responsibilities. Don let the board know that it was a critical time at NESWC as they were going out to bond in the near future and the two positions were going to be vacant. However, they have appointed a temporary Director. Don also informed the Board that part of the separation agreement included a gag order permitting comment on Mr. Hopcroft's performance at NESWC. He as also awarded a package amounting to approximately \$28,000.00

The Board adjourned at 11:15 P.M.

Clerk

Date

Christine Joyce
Recording Secty.
cmjW11-(298)

COORDINATING COMMITTEE
OVERRIDE PROCESS - 26

AGENDA

October 19, 1992 (MONDAY) 7:15 A.M.
ROOM 114 JR. HIGH SCHOOL

- 1) Continuing Discussion of Draft FY94 Budget Guideline Assumptions.

Town of Acton

Planning Department

472 Main Street Acton, Massachusetts 01720

(508) 264-9636

October 5, 1992

Jill McCarthy
Economics Research Associates
1 Liberty Square
Boston, MA 02109

REGARDING: Market Study for South Acton

Dear Ms. McCarthy,

Thank You for offering the time to prepare a rough cost estimate for a possible market study for South Acton Village. I have enclosed

- a couple of maps, one with Acton traffic counts,
- previous planning documents,
- a summary from this year's public meeting,
- the survey form we sent to residents,
- papers relating to nomination of South Acton Village as a Concentrated Development Center under MAPC's Metroplan 2000.

Hopefully, this will be enough to allow you to make an educated cost estimate. As I mentioned on the phone we have a pretty good idea of what most people would like to see in terms of small business development. The most prominent concerns are that businesses use the existing empty building space, that new development be compatible with the "historic character" of the village, and that business development will not increase traffic and congestion, or at least not significantly. Although, I believe nobody would find it outrageous if businesses would capture some more of the existing commuter and through traffic. The study that we hope for will give the Town a good understanding of which types of businesses, or combination of businesses, could be successful in South Acton Village by defining capture area and developing revenue projections.

Would you be so kind to include, along with your estimate, a brief bullet list of the most fundamental assumptions you have made in preparing the estimate and a list of products that would be included in a study report prepared under the estimated budget.

Sincerely,



Roland Bartl
Town Planner

[RHB.SAVPC*16]

cc: Don Johnson ✓



ROBERT A. CERASOLI
INSPECTOR GENERAL

The Commonwealth of Massachusetts

Office of the Inspector General

One Ashburton Place, Boston, MA 02108

Full Report in
Reading File

cc: BOS - COVER LTR / GML

JOHN W. MCCORMACK
STATE OFFICE BUILDING
ROOM 1311
TEL: 727-9140
FAX: 723-3540

PRESS RELEASE

For further information:
727-9140

For immediate release
October 5, 1992

Inspector General Robert A. Cerasoli today recommended that the Commonwealth's "repair plate" system be abolished. In a report entitled *Repair Plates: Special-Interest Privileges at Public Expense*, Inspector General Cerasoli asserts that the State Registry of Motor Vehicles has failed to institute genuine reform of its system of distributing special repair license plates.

"The repair plate system represents an indefensible use of scarce State resources to preserve special privileges for two powerful special-interest groups: auto repairers and tow truck operators," Inspector General Cerasoli declared. "There is no public policy justification for continuing to fund and operate this system."

Repair plates have for decades enabled auto repairers and tow truck operators to avoid paying State sales taxes, title fees, and motor vehicle excise taxes on the vehicles they own. Repair plates also enable these groups to enjoy special insurance benefits at the expense of other Massachusetts businesses and motorists.

The Legislature enacted repair plate reform legislation three years ago, but the scheduled reforms were delayed and ultimately replaced by a new decal enforcement program intended to curb repair plate fraud and abuse. Inspector General Cerasoli's report found that the decal program is seriously flawed in concept, design, and execution. The report predicts that repair plate fraud and abuse will continue to flourish under the Registry's decal program, thereby robbing Massachusetts cities and towns of at least \$12 million in motor vehicle excise tax revenues owed by auto repairers and tow truck operators.

A summary of the report's findings and recommendations is provided at the front of the report.

RON JOHNSON -
 GOOD JOB.

 CC: POLICE CHIEF
 PERS. FILE
 BOS

128 Pope Road
 Acton, Massachusetts 01720
 October 10, 1992

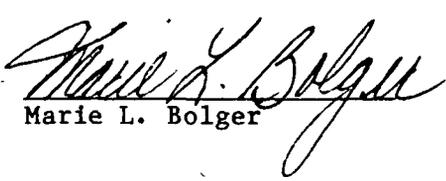
OCT 11 1992

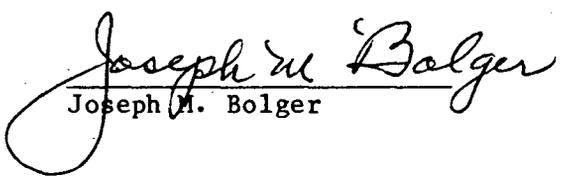
Mr. George W. Robinson, Chief
 Acton Police Department
 P. O. Box 2212
 Acton, Massachusetts 01720

Dear Chief Robinson,

On behalf of my wife Marie and myself, we would like to convey our appreciation for the recent assistance provided by Officer Ronald Johnson of your staff. His follow-up to our inquiry reflects a strong dedication to the activities of the Acton Police Department. Officer Johnson is an asset to your organization. Please convey our appreciation to him.

Very truly yours,


 Marie L. Bolger


 Joseph M. Bolger

cc: Mr. Donald Johnson, Acton Town Manager ✓
 Officer Ronald Johnson - Acton Police Dept.

CC: BOS - FYL

128 Pope Road
Acton, Massachusetts 01720
October 10, 1992

RAY GREY -
GOOD JOB.
W. Johnson
CC: PERS. FILE
POLICE CHIEF

00. 1992

Mr. George W. Robinson, Chief
Acton Police Department
P. O. Box 2212
Acton, Massachusetts 01720

Dear Chief Robinson,

On behalf of my wife Marie and myself, we would like to convey our appreciation for the recent assistance provided by Detective Raymond Grey of your staff. His attention to procedural detail in processing Marie's and my applications for our respective "Permit To Carry" reflects an extensive familiarity with the procedural activities of the Acton Police Department. Detective Grey is an asset to your organization. Please convey our appreciation to him.

Very truly yours,

Marie L. Bolger
Marie L. Bolger

Joseph M. Bolger
Joseph M. Bolger

cc: Mr. Donald Johnson, Acton Town Manager ✓
Detective Raymond Grey - Acton Police Dept.

cc: BOS

TOWNSHIP OF

Parsippany-Troy Hills

Town Manager Information



3339 Route 46
Parsippany, New Jersey 07054 • 201 263-4300

cc: BOS

OCT 13 1992

OFFICE OF
THE CHIEF OF POLICE
MICHAEL T. FILIPPELLO

October 6, 1992

Chief George W. Robinson
Acton Police Department
365 Main Street
Acton, MA 01720

Dear Chief Robinson:

On behalf of the Parsippany-Troy Hills Police Department I would like to extend my congratulations to you and the members of your department on becoming an Accredited Law Enforcement Agency.

As you know the process of accreditation is an extremely difficult, but worthwhile task. I am sure you and the members of your agency are quite proud to receive this prestigious recognition from the nationally recognized Commission on Accreditation for Law Enforcement Agencies.

Again, my sincere congratulations.

Very truly yours,

Michael T. Filippello
MICHAEL T. FILIPPELLO
Chief of Police

km

cc: BOS

Town Manager Information



370 Jay Street
Brooklyn, NY 11201
Telephone: 718 330-3302

Michael O'Connor
Chief of Police

cc: BOS

October 6, 1992

Chief George W. Robinson
Acton Police Department
365 Main Street
Acton, Massachusetts 01720

Dear Chief Robinson:

Congratulations on the recent accreditation of your department. It's an achievement of which I am sure you are proud.

I know from recent experience the hard work that must have been involved. The achievement is a tribute to you and your members.

Sincerely,

A handwritten signature in cursive script that reads "Michael O'Connor".
Michael O'Connor
Chief of Police

MOC:tp

Town Manager Information



609 East College Street
P.O. Box 2047
Carbondale, Illinois 62902-2047
Phone 618-549-5302
Fax 618-457-3283

October 8, 1992

CC: BOS - FYE

Chief George W. Robinson
Acton Police Department
365 Main Street
Acton, MA 01720

Dear Chief Robinson,

On behalf of the Carbondale Police Department, I would like to express my sincere congratulations on receiving accreditation at the Commission on Accreditation for Law Enforcement Agencies July conference. After achieving accreditation in July 1991, we can appreciate the level of commitment to high professional standards that you and your staff have demonstrated. But the real winners are the communities we serve.

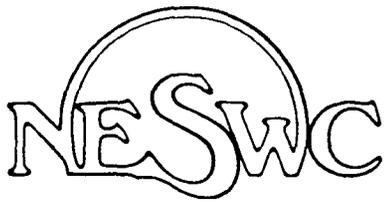
Once again, our congratulations for a job well done and we wish you continued success in the years ahead.

Sincerely,

A handwritten signature in black ink, appearing to read "Don Strom", written over a horizontal line.

Don Strom
Chief of Police

/dnv



OCT 1 1992

October 9, 1992

NORTH EAST SOLID WASTE COMMITTEE

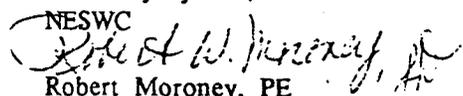
Dear Member:

A meeting of the NESWC Executive Committee is scheduled for Thursday, October 15, 1992 at 7:00 pm in the Estabrook Hall, Lexington, MA.

The agenda is as follows:

- 1. Minutes of the meeting of August 20, 1992
- 2. Minutes of the meeting of September 24, 1992
- 3. Arbitration update by Peter Terris (Executive Session)
- 4. Job Search for Executive Director
 - a. Hire Headhunter
 - b. Job Description of Executive Director
 - 1. Scope of Responsibility
 - 2. Type of Individual Desired
 - 3. Level of Compensation
- 5. Office Manager
 - a. Salary adjustment - retroactive 7/1/92
 - b. Approve job retention through end of CY93
 - c. Hire temporary help, if necessary
- 6. Interim CCR
 - a. Compensation and expenses
- 7. Henry Rugo Memo
 - a. Desire to reorganize NESWC/await new Executive Director
- 8. Marketing
 - a. Lowell
 - b. Methuen
 - c. Londonderry, NH
- 9. Refinancing update
- 10. CDM Contract Adjustment
- 11. RFP for Refunding Trustee - PFM
- 12. Other business

Sincerely yours,

NESWC

 Robert Moroney, PE
 Chairman, Executive Committee

BEACON COMMUNICATIONS

20 MAIN STREET, ACTON, MA 01720 • 508-264-9300

OCT 13 1992

- THE BEACON
- BEDFORD MINUTE-MAN
- BILLERICA MINUTE-MAN
- BURLINGTON TIMES-UNION
- CHELMSFORD INDEPENDENT
- THE CONCORD JOURNAL
- HUDSON DAILY SUN
- LEXINGTON MINUTE-MAN
- LITTLETON INDEPENDENT
- LINCOLN JOURNAL
- MARLBORO ENTERPRISE
- THE MAYNARD BEACON
- THE MINUTEMAN CHRONICLE
- SOUTHBOROUGH VILLAGER
- WESTFORD EAGLE

BOS -
 WE RECEIVED THIS TOO LATE
 TO ADVISE YOU OF THE INVITATION.
 [Signature]

October 8, 1992

You are cordially invited to an informal open house on Wednesday, Oct. 14, from 5 to 7 p.m. to meet the management and staff of The Beacon and to discuss ways in which we may help you or your organization get news into the newspaper.

The meeting will be held in the conference room on the second floor. Access is via stairs from the lobby at the main entrance or an elevator at the employee entrance at the rear of the building. Parking is available anywhere in the front parking lot or at the rear.

Light refreshments will be served.

Please RSVP:

Dorris Hilberg, managing editor, 264-9264.

Sarah DeMaster, editor, 264-9260



NEWSPAPERS

DIRECT MAIL

ALTERNATE DELIVERY

PRINTING

CC: BOS -

10/15/92

THIS LETTER FOLLOWED SEVERAL LAYERS OF CORRESPONDENCE AND A SIGNIFICANT AMOUNT OF RESEARCH. YOU WERE NOT COPIED BECAUSE THERE APPEARED TO BE NO NEED. I HAVE NOW BEEN ADVISED THAT A COPY HAS GONE TO FINCOM

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

Don P. Johnson
Town Manager

SO IT IS IMPORTANT THAT YOU BE AWARE OF THE CORRESPONDENCE, TOO.

September 17, 1992

Mr. Leonard Kopelman
Kopelman and Paige, P.C.
Attorneys at Law
101 Arch Street
Boston, Massachusetts 02110-1137

Dear Mr. Kopelman:

I am in receipt of your correspondence to Christine Joyce concerning a freedom of information request you made to the Town some time ago.

First, I wish to express my most sincere apologies that you have not previously received a reply to your request. Responsibility for this response was assigned to a staff member other than Ms. Joyce and we apparently dropped the ball in getting back to you.

I have reviewed your correspondence and caused a search of our records in order to produce the information you requested. In doing so, I have determined that our request was faxed to the Globe, although I find that the Town has apparently never been billed for the ad in question. Likewise, we have no record of receiving the tear sheet.

Having developed the above, we contacted the Globe to determine when we might expect their invoice and tear sheet. They have been unable to produce this information and seem to have no record of the transaction.

As a consequence, I regret to inform you that we are unable to provide the information you requested ... it appears not to exist.

Again, I apologize for the delay in providing this answer to your request.

Very truly yours,

Don P. Johnson
Town Manager

cc: Christine Joyce



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

OCT 15 1992

October 13, 1992

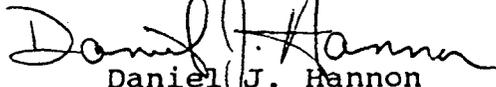
Notice of Document Availability

Site: East Acton Mobil
Address: 44 Great Road, Acton
Document: Letter Report On Ground-Water Monitoring,
September 14, 1992

This report describes the methods and results of ground-water monitoring during the months of June and August 1992. The report was prepared in accordance with the "Addendum to Proposed Short Term Measure" dated December 3, 1991, which requires monitoring well sampling prior to the start-up of the system, one month after system start-up, and quarterly thereafter. Due to the nature of this document, there will be no formal comment period. However, after six months of continuous operation of the treatment system, Mobil will submit a formal Performance Report. A comment period will be given and a public meeting will be held to present the findings in the Performance Report and to discuss the results of ground-water monitoring up to that point.

A copy of this report has been placed in the repository at the Acton Memorial Library. The report may be reviewed by the public during the library's normal operating hours. If you have any questions regarding the report, please contact Rad Thuraisingham or JoAnne Kasper Dunne at (508) 792-7653.

Yours truly,


Daniel J. Hannon
Section Chief
Waste Site Cleanup

DJH/DTB/RT/JKD
cc: East Acton Mobil mailing list

CC: BOS



Commonwealth of Massachusetts
Executive Office of Environmental Affairs

**Department of
Environmental Protection**

Central Regional Office

001 - 9 1992

William F. Weld
Governor

Daniel S. Greenbaum
Commissioner

October 7, 1992

Notice of Document Availability

Site: East Acton Mobil
Address: 44 Great Road, Acton
Document: Letter Report On Ground-Water Treatment System
Performance, September 25, 1992

This report has been prepared in accordance with the terms of the Emergency Discharge Permit issued to Mobil by the Environmental Protection Agency (EPA) in August 1991. The report presents the results of water samples collected from the ground-water treatment system in August, in accordance with a letter from EPA to Mobil dated August 20, 1991. Due to the nature of this document, there will be no formal comment period. However, after six months of continuous operation of the treatment system, Mobil will submit a formal Performance Report. A comment period will be given and a public meeting will be held to present the findings in the Performance Report.

A copy of this report has been placed in the repository at the Acton Memorial Library. The report may be reviewed by the public during the library's normal operating hours. If you have any questions regarding the report, please contact Rad Thuraisingham or JoAnne Kasper Dunne at (508) 792-7653.

Yours truly,

Daniel J. Hannon
Section Chief
Waste Site Cleanup

DJH/DTB/RT/JKD

cc: East Acton Mobil mailing list

CC: BOS - FYI

OCT - 9 1992

TOWN OF ACTON
BUILDING DEPARTMENT

GARRY A. RHODES
BUILDING COMMISSIONER

472 Main Street Acton, Massachusetts 01720

(508)264-9632

October 8, 1992

Donald Higgins, Jr.
Mobil Oil Corporation
Westford Technology Park
1 Technology Park Drive
Westford, MA 01886

Re: Mobil Oil Station/553 Massachusetts Avenue, Acton

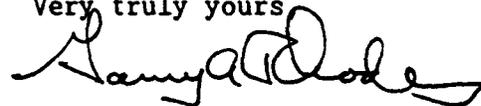
Dear Mr. Higgins:

Last November the Acton Board of Appeals denied your request to maintain an existing freestanding sign at 553 Massachusetts Avenue. Mobil Oil filed an appeal in December, 1991. In June an agreement between counsels was arranged so that you and I could discuss a possible compromise for your sign. You wrote to me on August 26, stating that you would be contacting me within two weeks to schedule a meeting. Except for a brief encounter at a Board of Selectmen's meeting where you said that you would be calling shortly, we have yet to meet.

In as much as it has been the Town's position that the sign should be removed, these delays have only prolonged the existence of an illegal sign. I feel that it is imperative that we meet or I will request of the Town Manager that we proceed with court action.

I look forward to meeting with you within the next month.

Very truly yours



Garry A. Rhodes
Building Commissioner

GAR/vjs

cc: Town Counsel
Town Manager
Hutchins & Wheeler

Town
Manager
cc: BOS

ACTON FINANCE COMMITTEE MEETING MINUTES: SEPTEMBER 23, 1992

Present: Art Harrigan, Charles Olmstead, Joe Peters, Mary Donald, Mark Allan

The meeting was called to order at 7:50 P.M.
The minutes of the previous meeting were accepted as presented.

Coordinating Committee

~~Sixteen~~ people attended the meeting, including Art, Mark, and Charles. A written report of the meeting and supporting materials was distributed by Art to the committee, and members reviewed the items.

Budget Process and Status

The schedule was reviewed. October 26 is a critical date, since it is the planned date of adoption of the budget guidelines by the Selectmen, FinComm, and School Committee.

FY 94 Draft Plan

This document was reviewed and discussed. The following actions were taken as items to bring to the Coordinating Committee.

Action: Joe Peters moved that the Finance Committee recommend that school legal fees be budgeted at the base level of \$45,000 as per the 1993 plan. The motion passed three to zero, with one abstention.

Action: It was agreed that the Finance Committee seek information on 111F, including how many police and fire personnel are on 111F, the length of time each has been on 111F and the cost, and the strategy for getting them off. Also, that a comparison with other towns would be sought.

Action: It was agreed that salary, health, and workman's compensation should be handled on a aggregate basis.

Action: It was agreed that the cost of growth-driven additional positions should be separated out from other salary costs.

School Choice

Art distributed school choice information previously distributed and it was reviewed.

Approved 10/7/92 (AHL)

cc: BOS

Passed/Approved 10/14/92
 Town Manager
 PA

ACTON FINCOM MEETING MINUTES

Date: October 7, 1992

Present: Art Harnigan (Chairman), Mark Allan, Mary Donald, Paul Kohout, Tom Mackey, and Charles Olmstead

Meeting was called to order at 7:40 P.M. Minutes of the previous meeting were accepted as presented.

The primary purpose of this special meeting of the FINCOM was to prepare for the next morning's Coordinating Committee Meeting. In addition, regular meeting items were addressed.

The 1992-1996 FINCOM Roster/Assignments (see 92FIN02D, dtd 10/7/92) was discussed and accepted as submitted.

Coordinating Committee --- Art submitted a report of the 10/5/92 Coordinating Committee Meeting (see 92FIN013, dtd 10/7/92). Associated discussion addressed: a) the proposed FY94 'top-level' budget showing short-falls ranging from \$3.2M to \$4.1M was considered a 'non-starter'; b) budgets are being developed by Town and School using inconsistent guidelines; and, c) concern over successfully selling an 'override' in view of both current recession and inconsistent budget guidelines/assumptions.

ACTION ITEMS: At the next Coordinating Committee Meeting (10/9/92), Art and Mark were to: a) proceed in accordance with 92FIN011, wherein agenda items for Coordinating Committee considerations were identified; and b) reaffirm the need for use of consistent budget guidelines/assumptions.

Selectmen --- No report.

School Committee --- Mary reported that at the 10/1/92 Regional School Committee Meeting both the Acting-Superintendent and the School Committee were against using Education Aid Grant \$ for teacher deferral repayments (see 92FIN010, dtd 9/24/92). In addition, Mary reported that the School Committee is using different budget guidelines than the Town officials. Paul added that the perception, he received during the School Committee Meeting, was that an override would be necessary.

Area Symposium -- Mary reported that she was 'quite impressed' with the Area Symposium she recently attended. There were approximately 20 towns represented and issues of mutual interest were addressed; in particular, the pros/cons of a Regional FINCOM. Mary, with Art's support, will be pursuing this subject.

Board of Assessors --- Mark still working.

Master Planning Committee --- No report.

Superintendent Search --- Art submitted a report on the 'Search' Meeting held 9/24/92 (see 92FIN012, dtd 10/7/92). Significant items included: a) a schedule of management actions which would culminate in an Appointment of a Superintendent by the end of March, 1993; and b) results of a 'brain-storming' session centered around topics addressing unique qualifications of candidates, goals/challenges facing next Superintendent, and current strengths/characteristics of the current School District. Art concluded "The meeting was very revealing and I think very beneficial."

Expanded FINCOM Meeting --- Art proposed that we invite former members of the FINCOM to our 11/18/92 meeting for the purpose of discussing past, present, and future issues with the intent of combining past experience with current thinking. Limited consensus was attained with the main concern being that we do not give the perception that the current FINCOM is being dictated by the past.

The meeting was adjourned at 9:40 P.M. The next meeting will be the regularly scheduled one on 10/14/92 at 7:30 P.M. in the Town Hall.

Respectfully submitted,

T. A. MACKEY

OCTOBER 2, 1992

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

#####

AGENDA

ROOM 204

7:30 P.M.

OCTOBER 6, 1992

I. CITIZEN'S CONCERNS

II. PUBLIC HEARINGS & APPOINTMENTS

1. 7:31 BOSTON EDISON - Main Street - Conduit- Previously approved
Emergency Installation.
2. 7:32 BOSTON EDISON - 13R Oakwood - Conduit - Previsoulsy approved
Emergency Installation.
3. 7:45 BOSTON EDISON - Jack Goggin - Overview Meeting with Boston
Edison.
4. 8:00 WHITNEY FUND - Representatives for the Whitney Fund will
present their request for funds to be expended from the Fund.
5. 8:15 AC - CHEVROLET - Class I License - Enclosed please find
application and comment from the Police Chief. Due to
scheduling, Building Commissioner's comment will be available
Tuesday evening.

III. CONSENT AGENDA

6. MINUTES - Enclosed please find minutes for Board approval from
September 8, 1992.
7. FANS - Please find a request from FANS to hold the Festival of
Trees on Friday evening, December 11, 1992 for Board action.

IV. SELECTMEN'S CONCERNS

8. SUNDAY PACKAGE STORE OPENINGS - Enclosed please find staff memo
for Board action.

9. PROCLAMATION - Enclosed please find a request from the United Nations Association of Greater Boston to issue the enclosed proclamation.

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.

October 20

Phillips Coffee Use Permit

Prison Advisory Committee Oversight

November 10 - Tax Classification Hearing

November 17 - Historic Commission

December 1

758 acs

10/6/92-①

Boston Edison
Conduit and Manholes Installation

NOTICE TO ABUTTERS

In conformity with the requirements of Section 22 of Chapter 166 of the General Laws. (Ter. Ed.), you are hereby notified that a public hearing will be held at the office of the Selectmen of the Town of Acton Massachusetts, on the 6TH day of OCTOBER 1992, at 7:31 P.M., o'clock, upon the petition of Boston Edison Company for permission to construct, and a location for, a line of conduits and manholes, with the necessary wires and cables therein, for the transmission of electricity, under the following public ways of said Town:

MAIN STREET - NORTHEASTERLY APPROX. 75 FEET SOUTH OF FLETCHER COURT. A DISTANCE OF ABOUT 7 FEET - CONDUIT

(an Emergency Hook-up has been granted prior to Public Hearing at this location)

BOARD OF SELECTMEN

Form 518D
648ACS

TOWN OF ACTON

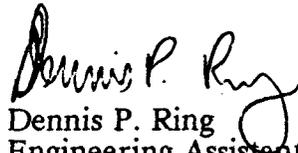
INTER-DEPARTMENTAL COMMUNICATION

DATE: 9/15/92

TO: Board of Selectmen
FROM: Engineering Department
SUBJECT: Boston Edison Petitions
Main Street & Oakwood Road

These petitions are for the installation of conduits to provide underground electrical service to two newly constructed houses. In both cases, permission to install the services was granted prior to the public hearings due to impending occupation of the dwellings. These petitions constitute the formal paperwork needed to follow-up on the petitioner's original request for hook-up.

We have no objections to granting these petitions.


Dennis P. Ring
Engineering Assistant II

DPR/dmj

Boston Edison
Conduit and Manholes Installation

10/6/92 (2)

NOTICE TO ABUTTERS

In conformity with the requirements of Section 22 of Chapter 166 of the General Laws. (Ter. Ed.), you are hereby notified that a public hearing will be held at the office of the Selectmen of the Town of Acton Massachusetts, on the 6TH day of OCTOBER 1992, at 7:32 P.M., o'clock, upon the petition of Boston Edison Company for permission to construct, and a location for, a line of conduits and manholes, with the necessary wires and cables therein, for the transmission of electricity, under the following public ways of said Town:

13 REAR OAKWOOD - Southeasterly opposite Pinewood Road. A distance of about 11 feet - Conduit

(an Emergency Hook-up has been granted prior to Public Hearing at this location)

BOARD OF SELECTMEN

Form 518D
648ACS

10/6/93 (4)

GEORGIA E. WHITNEY MEMORIAL FUND REQUEST

The Committee recommends that \$4,000 interest accrued in the Georgia E. Whitney Memorial Fund be used to co-sponsor a production of "Ophelia" by the National Theatre of the Deaf on the evening of January 29, 1993. (The Little Theatre of the Deaf will also present a special performance, chosen by the school coordinator, for Acton-Boxborough students at 10:00 a.m. on the same date.) If this request is approved there will be a balance of \$475 in the accrued interest on the fund. The Whitney Fund was not used last year.

Objectives:

The National Theatre of the Deaf's performance of "Ophelia" has been arranged by the Friends of Acton's Disabled. Its objectives are:

- to heighten public sensitivity to the rights and needs of disabled persons
- to celebrate the level of artistic accomplishment that can be achieved by the disabled
- to gain public support for Acton's Commission on Disabilities and Friends of Acton Disabled
- to focus particular attention on youth awareness by presenting a special school performance
- as profits permit, to improve handicapped accessibility to the ABRHS auditorium as an initial step in making it the first fully accessible regional performing arts center for the disabled - a statewide model.

The Show:

"Ophelia" will be Acton's first exposure to the exciting drama of the spoken work artistically combined with the beauty of sign language ("sculpture in the air"). The National Theatre of the Deaf is world-renowned for this kind of performance.

Based on Shakespeare's "Hamlet", an exciting shift from the original puts the spotlight on fifteen year-old Ophelia and invites the audience to "learn how she feels" as she occupies center stage poised between her beloved Hamlet, her father and her brother. "Ophelia" is a perfect choice for "The Year of the Woman".

The Company:

The National Theatre of the Deaf has won world acclaim over the past quarter of a century and has won many awards including the coveted "Tony" award. It has presented 5000 performances in 24 countries and is the only Theatre Company to have performed in all fifty states.

Funding:

In addition to the Whitney Fund, financial support has been committed by the New England Foundation for the Arts, the Acton-Boxborough Arts Lottery Council, Acton's Open Door Theatre and a number of Acton businesses, community organizations and individuals. A financial summary is attached. If proceeds exceed expenses, the Whitney Fund will share in the surplus in proportion to its contribution to the total income of the production.

Prices:

The performance will take place in the ABRHS auditorium. In keeping with Whitney Fund tradition, ticket prices will be modest: \$5.00 for able adults and \$3.00 for senior citizens, students and persons with disabilities. Free tickets will be available for disabled persons who cannot afford to pay for them. There will be extensive outreach to the disabled citizens of neighboring towns and every effort will be made to facilitate their attendance. Several outlets for ticket sales have been arranged in Acton and neighboring towns. Friends or Acton Disabled would also appreciate using the Town Clerk's office and Acton's libraries for this purpose.

Management:

The core organizers of the event are well known for successful community accomplishments. Chaired by Jack Ormsbee, they include Susan Bray, Susan Harrigan, Connie Huber, B.J. Welborn, Susan Geehan, Selma Garber and Walter George. The Committee believes that the event has been exceptionally well-planned and organized by this group and will continue to be as they expand their number to assure a smoothly coordinated event on January 29.

The *Boston Globe* calls the National Theater of the Deaf "a feast for the eye, the mind and the heart". We can't think of a better way to use the Whitney Fund than to present this "feast" to Acton's townspeople.

**FRIENDS OF ACTON DISABLED
NATIONAL THEATRE OF THE DEAF FINANCIAL PLAN
September 22, 1992**

<u>INCOME</u>	<u>EXPENSES</u>
Contributions:	
<ul style="list-style-type: none"> • Grants <li style="padding-left: 20px;">Arts Lottery 750 <li style="padding-left: 20px;">N.E.F.A. (E) <u>1500</u> <li style="padding-left: 100px;">2250 • Businesses <li style="padding-left: 20px;">Digital 500 <li style="padding-left: 20px;">CFC 250 <li style="padding-left: 20px;">Brody 150 <li style="padding-left: 20px;">Powers <u>50</u> <li style="padding-left: 100px;">950 • Community Organizations <li style="padding-left: 20px;">Open Door Theatre 2000 <li style="padding-left: 20px;">Lions 250 <li style="padding-left: 20px;">AARP <u>25</u> <li style="padding-left: 100px;">2275 • Individuals <li style="padding-left: 20px;">Rosenfeld 75 <li style="padding-left: 20px;">Ormsbee <u>200</u> <li style="padding-left: 100px;">275 • Total <u>5750</u> 	<ul style="list-style-type: none"> • Production <li style="padding-left: 20px;">Performance 7500 <li style="padding-left: 20px;">Staging 1500 <li style="padding-left: 20px;">Reception 150 <li style="padding-left: 20px;">Playbill <u>750</u> <li style="padding-left: 100px;">9900 • Promotion <li style="padding-left: 20px;">P.R. 300 <li style="padding-left: 20px;">Posters, etc. 250 <li style="padding-left: 20px;">Displays <u>350</u> <li style="padding-left: 100px;">900 • Support <li style="padding-left: 20px;">Secretarial 200 <li style="padding-left: 20px;">Postage 300 <li style="padding-left: 20px;">Misc. <u>250</u> <li style="padding-left: 100px;">750 • TOTAL EXPENSES 11,150 <li style="padding-left: 20px;">Contingency 5% <u>560</u> <li style="padding-left: 100px;">11,710 • BALANCE - (w/o Whitney) <li style="padding-left: 20px;">Expenses 11,710 <li style="padding-left: 20px;">Income <u>7,750</u> <li style="padding-left: 100px;">-3,960
TOTAL INCOME (w/o Whitney) 7750	

10/6/92
5

SEPTEMBER 18, 1992

TO: Building Commissioner, Police Dept.

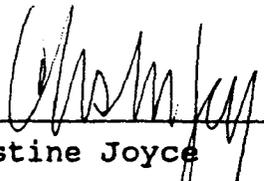
FROM: Don P. Johnson, Town Manager

SUBJECT: CLASS I LICENSE - AC CHEVROLET

#####

Enclosed please find a copies of a Class I License Application for LAWRENCE M. GORDON, at 171 Great Road.

Please send your comments and recommendations. The hearing is set for Oct. 6, 1992 at 8:15 P.M.



Christine Joyce
Town Manager's Office

The Police have not experienced any problems or had any complaints regarding this licensee during the past year.
EMJ

**TOWN OF ACTON
NOTICE OF HEARING**

Notice is hereby given that the Board of Selectmen will hold a public hearing in its office at the Town Hall on Tuesday, October 6, 1992 at 8:15 P.M. on the application of Gordon Chevrolet-GEO, Inc., Lawrence M. Gordon, President d/b/a A-C Chevrolet, Inc., for a Class I Dealer's License at 171 Great Road, Acton, MA.

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

BOARD OF SELECTMEN

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

Nancy E. Tavernier
Chairman

September 20, 1992

Assabet Valley Beacon
20 MAIN ST.
Acton, MA 01720

Dear Legals

Enclosed please find copy of advertisement to appear in
your newspaper on Thursday, September 24, only.

Please send bill to:

Lawrence M. Gordon
171 Great Road
Acton, MA 01720

Very truly yours,

Christine Joyce
Town Manager's Office

enc.
cc: Lawrence Gordon
757acs

THE COMMONWEALTH OF MASSACHUSETTS

TOWN OF ACTON

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 1ST 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? GORDON, CHEVROLET-GEO., INC.

Business address of concern. No. 171 GREAT ROAD St., ACTON, MA City - Town.

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

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

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

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

President LAWRENCE M. GORDON 71 HARVARD ROAD STOW, MA 01775

Secretary RICHARD A. WHITE 10 JEWELL HILL ROAD ASHBY, MA 01431

Treasurer " " " "

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

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

Is your principal business the buying and selling of second hand motor vehicles? NO

Is your principal business that of a motor vehicle junk dealer? NO

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

40,000 SQ. FT. BUILDING LOCATED ON 7+ ACRES DESIGNED AND BUILT
FOR THE PURPOSE OF SELLING AND SERVICING OF AUTOMOBILES AND TRUCKS.

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

If so, state name of manufacturer CHEVROLET DIVISION - GENERAL MOTORS CORPORATION

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

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

If so, in what city — town

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

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? NO
(Yes or No)

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

Residence 71 HARVARD ROAD STOW, MA

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)

APPLICANT WILL NOT FILL THE FOLLOWING BLANKS

Application after investigation
(Approved or Disapproved)

License No. granted 19 Fee \$

Signed
.....
.....
.....
.....
.....

CHAPTER 140 OF THE GENERAL LAWS, TER. ED., WITH AMENDMENTS THERETO (EXTRACT)

SECTION 57. No person, except one whose principal business is the manufacture and sale of new motor vehicles but who incidentally acquires and sells second hand vehicles, or a person whose principal business is financing the purchase of or insuring motor vehicles but who incidentally acquires and sells second hand vehicles, shall engage in the business of buying, selling, exchanging or assembling second hand motor vehicles or parts thereof without securing a license as provided in section fifty-nine. This section shall apply to any person engaged in the business of conducting auctions for the sale of motor vehicles.

SECTION 58. Licenses granted under the following section shall be classified as follows:

Class 1. Any person who is a recognized agent of a motor vehicle manufacturer or a seller of motor vehicles made by such manufacturer whose authority to sell the same is created by a written contract with such manufacturer or with some person authorized in writing by such manufacturer to enter into such contract, and whose principal business is the sale of new motor vehicles, the purchase and sale of second hand motor vehicles being incidental or secondary thereto, may be granted an agent's or a seller's license; provided, that with respect to second hand motor vehicles purchased for the purpose of sale or exchange and not taken in trade for new motor vehicles, such dealer shall be subject to all provisions of this chapter and of rules and regulations made in accordance therewith applicable to holders of licenses of class 2.

Class 2. Any person whose principal business is the buying or selling of second hand motor vehicles may be granted a used car dealer's license.

Class 3. Any person whose principal business is the buying of second hand motor vehicles for the purpose of remodeling, taking apart or rebuilding the same, or the buying or selling of parts of second hand motor vehicles or tires, or the assembling of second hand motor vehicle parts, may be granted a motor vehicle junk license.

SECTION 59. The police commissioner in Boston and the licensing authorities in other cities and towns may grant licenses under this section which shall expire on January first following the date of issue unless sooner revoked. The fees for the licenses shall be fixed by the licensing board or officer, but in no case shall exceed \$100. dollars. Application for license shall be made in such form as shall be approved by the registrar of motor vehicles, in sections fifty-nine to sixty-six, inclusive, called the registrar, and if the applicant has not held a license in the year prior to such application, such application shall be made in duplicate, which duplicate shall be filed with the registrar. No such license shall be granted unless the licensing board or officer is satisfied from an investigation of the facts stated in the application and any other information which they may require of the applicant, that he is a proper person to engage in the business specified in section fifty-eight in the classifications for which he has applied, that said business is or will be his principal business, and that he has available a place of business suitable for the purpose. The license shall specify all the premises to be occupied by the licensee for the purpose of carrying on the licensed business. Permits for a change of situation of the licensed premises or for addition thereto may be granted at any time by the licensing board or officer in writing, a copy of which shall be attached to the license. Cities and towns by ordinance or by-law may regulate the situation of the premises of licensees within class 3 as defined in section fifty-eight, and all licenses and permits issued hereunder to persons within said class 3 shall be subject to the provisions of ordinances and by-laws which are hereby authorized to be made. No license or permit shall be issued hereunder to a person within said class 3 until after a hearing, of which seven days' notice shall have been given to the owners of property abutting on the premises where such license or permit is proposed to be exercised. All licenses granted under this section shall be revoked by the licensing board or officer if it appears, after hearing, that the licensee is not complying with sections fifty-seven to sixty-nine, inclusive, or the rules and regulations made thereunder; and no new license shall be granted to such person thereafter, nor to any person for use on the same premises, without the approval of the registrar. The hearing may be dispensed with if the registrar notifies the licensing board or officer that a licensee is not so complying. Any person aggrieved by any action of the licensing board or officer refusing to grant, or revoking a license for any cause may, within ten days after such action, appeal therefrom to any justice of the superior court in the county in which the premises sought to be occupied under the license or permit applied for are located. The justice shall, after such notice to the parties as he deems reasonable, give a summary hearing on such appeal, and shall have jurisdiction in equity to review all questions of fact or law and may affirm or reverse the decision of the board or officer and may make any appropriate decree. The decision of the justice shall be final.

SELECTMEN'S MEETING
SEPTEMBER 8, 1992

10/6/92

(6)

The Board of Selectmen held their regular meeting on Tuesday, September 8, 1992, present were Norm Lake, Nancy Tavernier, Dore' Hunter, Anne Fanton, William Mullin, and Assistant Town Manager John Murray

CITIZENS' CONCERNS

None Expressed

PUBLIC HEARINGS AND APPOINTMENTS

BOSTON EDISON & NET&T- Concord Road

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

LIBRARY FOUNDATION

Brewster Conant representing the Foundation presented a check in the amount of 3,480.00 as part payment for the Sunday openings beginning September 20th. Anne Chang, Trustee of the Acton Memorial Library, endorsed the check and thanked the Board and all that donated time and money for their support. NORM LAKE - Moved to accept the gift of funds to operate Sunday hours at the Memorial Library with gratitude. ANNE FANTON - Second.
UNANIMOUS VOTE.

HISTORIC DISTRICT COMMISSION OVERSIGHT MEETING

Anne Forbes along with other members of the HDC outlined the progress they have made since the formation of the Commission. She still felt that there needed to be a representative appointed from one of the districts so that the owners could be represented. Some Legal experience would also be helpful on the Commission. They have a full compliment of six members and one alternate but would like more alternates especially in the areas listed previously. They have issued 4 certificates during the year. Dore' asked what they had done to notify the residents of the districts of the new regulations. The Commission has notified all residents of the districts by letter with the enclosure of a brochure showing the districts and giving pertinent information about the districts. Anne thanked Tom Peterman's wife for her assistance in the graphic end of this effort; without it the presentation of information would have not been as good. Dore' let them know that repairs to the South Acton Bridge appear to be moving forward, and asked that they become involved since it was in the South Acton District. Dore' suggested we be proactive and that the HDC and the State Highways work together. John Murray suggested the State Historic Commission would better interface with the State Highway Dept.

The Commission explained that they are trying to keep their fees low, but will review them to make sure they are in line with the program to remain self sufficient. The Board thanked them for their timely submission of minutes and for their efforts.

HISTORIC COMMISSION OVERSIGHT MEETING

The Commission did not arrive for their scheduled appointment.

CML GROUP - 7/24/92-336

Jack Dunphy representing CML Group outlined the proposed addition to the existing building. They propose to add a one story office space to the facility and expect no impact on the neighborhood. They agreed with all the stipulations except the one pertaining to working on Saturdays. They asked that they be allowed to work on Saturdays as they have gotten a late start and would like to be done prior to the winter months. Dore' suggested they be allowed to perform the inside work on Saturday if it presented no impact to the neighborhood and suggested that 8-5 would be workable. Dore' further asked about the sidewalk stipulation. Jack replied that they would pay the amount assessed for the Town to do the work required. Anne commented on the site and the screening and the impact on the neighbors with respect to the new building. They assured the Board that no more trees would be cut than were necessary and that the landscaping plan was approved at this time.

Mrs. Sturrillo and Mr. Knowlin abutters urged the Board to deny this request. They Board explained that they could not deny the permit if all regulations had been complied with.

DORE' HUNTER - Moved to take under advisement. NORM LAKE -Second. UNANIMOUS VOTE.

MOBIL OIL COMPANY - 24 HOUR PERMIT

Phil Lombardo representing Mobil Oil introduced the new franchisee to the Board. The new franchisee, Mr. Picarrillo asked that the permit be reinstated and that he be allowed to sell milk and cheese during the day in containers larger than individual portions as the demand is high. He said that people are tying up the pumps by going next door to Cumberland Farms to purchase milk after they pay for the gas at this store. Nancy reiterated the board's position when the Site plan was approved and cited parking and neighborhood impacts as key issues that she felt would occur if they were allowed to sell food in volume. Dore' Hunter said he would not speak to the issue since he was currently representing Mobil on another issue.

Anne was concerned that the presentation had changed and wanted to retain the original list of goods. Norm wanted the list to stay the same as originally agreed to and was opposed to

selling anything but snack food. Bill would support the modifications but he felt that the previous Board had voted a restricted list and he would have to go with the sense of the board. Nancy suggested that they document the use and come back before the Board in December when the permit was to be renewed. Joe Pitta of 554 Mass Ave. presented the board with a petition signed by the neighborhood asking that the Board deny the request due to unfavorable impact experienced in the neighborhood. The Board expressed to Mr. Pitta that they could only regulate the sale of food between the hours of 12:00 and 6:00 A.M.; the gas station could be open 24 hours per day despite the regulation of the sale of food. WILLIAM MULLIN - Moved to reinstate the permit through December 31 for retail sale of food as defined in the original permit. NORM LAKE - Second. 3-1 ANNE FANTON NO - DORE' HUNTER - Abstained.

DISCOVERY MUSEUM

The Discovery Museum presented its plans for the 10 year anniversary celebration. They plan to have 1,000 persons on site at any one time, will have volunteers at the parking areas and will be running shuttle buses to and from those sites to accommodate the parking since there will be no parking on site. They asked that the commuter lot be designated as one of the areas for parking. They have contacted the Police Chief and he has required a police officer for the day at the entrance to the museum. They also requested permission to place a sign at the entrance to the museum for 28 days prior to the event.

DORE' HUNTER - Moved to approve the request for placing the sign to be removed no later than one day after the event. WILLIAM MULLIN - Second. UNANIMOUS VOTE.

DORE' HUNTER - Moved to allow the Museum to use the Commuter Lot for parking on October 3 in conjunction with the celebration. WILLIAM MULLIN - Second. UNANIMOUS VOTE

DORE' HUNTER - Moved that there be no parking on Main Street, Prospect Street, Central from Main to Martin. NORM LAKE - Second. UNANIMOUS VOTE.

CONSENT CALENDAR

The Board approved the Consent Calendar with Items 10 and 12 removed. Anne requested more detailed information on ownership and asked staff to come back with more detail regarding Item 12. Norm asked that the new manager under Item 10 be asked to come in to speak to the Board prior to Board vote. - NORM LAKE - Moved to accept the balance as presented. ANNE FANTON Second. UNANIMOUS VOTE.

SELECTMEN'S CONCERNS

Sunday Package Store Openings - NORM LAKE - Moved to send out letter to all licensees to solicit requests to be open on the Sundays beginning in November through December. DORE' HUNTER - Second. UNANIMOUS VOTE.

Coordinating Committee Process Affirmation - Dore' spoke to his memo regarding the process and asked the Board to reaffirm its commitment to the process. Nancy wanted to focus on the larger picture to look at the town as a whole, and would like to continue to function as a whole and stay away from micro-management, and to continue with the budget oriented goal. Nancy wanted to also develop an incentive to shave money, perhaps assurance we would get like monies back. Bill spoke about allocation of pooled revenues and wanted to assure parity and felt that Dore's memo would do a great deal to re-open communications. Anne was concerned about wage increases and would like to come to an agreement that would be appropriate on both sides. She will not be able to vote for an override for a budget that includes anything more than 2 1/2 percent given the economy and feels that anything more is inappropriate. Bill asked that the Town Manager and the Acting Supt. also get involved in re-affirming. DORE' HUNTER - Moved to reaffirm its commitment to the Coordinating Committee process, while at the same time taking the position that the essence of the process is compromise by all participants and a responsible view in regard to taxes. WILLIAM MULLIN - Second. UNANIMOUS VOTE.

Audit and Investment Advisory Committees - Dore' outlined his memo and expressed his feelings that VCC should not continue to recruit and that the committees should be eliminated considering we have streamlined the functions.

DORE' HUNTER - Moved to withdraw the Audit and Investment Committees as committees to be recruited by the VCC. NORMAN LAKE - Second UNANIMOUS VOTE. Staff to notify VCC.

TOWN MANAGER'S CONCERNS

Permit Fees - The Board reviewed the memo regarding wiring fees from the Building Commissioner and his request to increase them. DORE' HUNTER - Moved to approve the request as outlined by the Building Commissioner. ANNE FANTON - Second. UNANIMOUS VOTE

Non-Financial Warrant Articles - The Board discussed the timeline for warrant articles. Dore' felt the day before Christmas was early enough. Nancy felt that December 1st would be better. ANNE FANTON - Moved to close the warrant on December 14, 1992 at the close of business. 4-1 - BILL MULLIN - No

61A Marshall Land - Anne asked to have the discussion delayed until she could talk to the Conservation Commission. She suggested we get input on this property and look at Roland Bartl's memo of 6 months ago, and to see where this property was rated before we continue. The Board decided to continue to 8:45 at the next meeting and asked to have a description of the land, Roland's memo and where it was ranked in the Master Plan. Anne stated that action items in the Master Plan are only recommendations for action, and that the only regulations in the Master Plan were those bylaws voted by Town meeting. Norm wanted to see a list of properties which were rated as to the seriousness of approaching Town Meeting developed by the Committee. Anne also stated that they currently have a list that was in order of importance that the 61A Committee was using.

The Board adjourned at 11:10 P.M.

Clerk

Date

Christine Joyce
Recording Secty.
cmjW11-(279)

SEPTEMBER 4, 1992

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

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AGENDA

ROOM 204

7:30 P.M.

SEPTEMBER 8, 1992

I. CITIZEN'S CONCERNS

II. PUBLIC HEARINGS & APPOINTMENTS

1. 7:31 BOSTON EDISON & NET&T- CONCORD ROAD - Joint identical poles.
2. 7:40 ACTON MEMORIAL LIBRARY FOUNDATION - Present gift for FY93 Sunday hours.
3. 7:45 HISTORIC DISTRICT COMMISSION - OVERSIGHT MEETING
4. 8:15 HISTORIC COMMISSION - OVERSIGHT MEETING
5. 8:30 CML Group - Site Plan #7/24/92-336 (Hunter)- 524 Main Street - Enclosed please find staff comments for Board review.
6. 8:45 MOBIL OIL - 24 Hour Night Hours Bylaw - The new operator of the West Acton station will be in to meet the Board and discuss the 24 hour license.
7. 9:00 DISCOVERY MUSEUM - Enclosed please find a request and staff comment on the 10th Anniversary Party scheduled for October 3, 1992

III. CONSENT AGENDA

8. ELECTION WORKERS - Enclosed please find the annual list for signature from the Town Clerk for the Election Workers.
9. PAPA GINO'S - Enclosed please find staff correspondence regarding a request for Transfer of Stock for Board action.

10. PASTA VILLIGO - 36 Great Road - Enclosed please find a request for Change of Manager's along with the required forms for ABCC for Board Action.
11. CABLE ADVISORY COMMITTEE - Enclosed please find a Charge prepared for Board review and action.'
12. WALDEN COMMUNICATIONS - Attached information describes a proposed change in the Site Plan for this property (site Plan #295) and for adjacent property of Dexter & Harpel (Site Plan #207).

IV. SELECTMEN'S CONCERNS

13. SUNDAY PACKAGE STORE OPENINGS - Enclosed please find correspondence from the Alcoholic Beverage Control Commission along with staff comment and request for board direction.
14. COORDINATING COMMITTEE PROCESS AFFIRMATION - Enclosed find correspondence from Selectmen Hunter.
15. AUDIT & INVESTMENT ADVISORY COMMITTEES - Enclosed find correspondence from Selectmen Hunter.

V. TOWN MANAGER'S REPORT

16. PERMIT FEES - Enclosed please find a recommendation from the Building Commissioner concerning wiring permit fees.
17. NON-FINANCIAL WARRANT ARTICLES - The Town Manager's Office has prepared a proposed time line for submission and review of non-financial warrant articles for the 1993 Annual Town Meeting.
18. CHAPTER 61A OFFER - Marshall Land - The enclosed material describes part of the Marshall land on Carlisle Road that has been under 61A classification and now is being offered for sale. The Town has the first refusal rights on this offer.

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.

Sept. 22

SARC Overview

Ft. Devens Reuse Update with BOS

Main Street Sidewalk

October 6

October 20

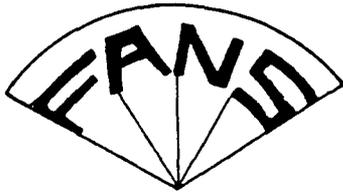
Phillips Coffee Use Permit

Prison Advisory Committee Oversight

November 3

November 17

754 acs



10/0/92 (7)
SEP 23 1992
Friends of the Acton Nursing Services, Inc.

Box 541 Acton, Massachusetts 01720

August 31, 1992

Mrs. Nancy Tavernier, Chairman
Acton Board of Selectman
Acton Town Hall
Acton, MA 01720

Dear Chairman and Board Members,

The Friends of the Acton Nursing Service requests confirmation of the use of the Town Hall Meeting Room for a Festival of Trees to be held on Friday Evening, December 11, 1992, as discussed with the Chairman in July.

This celebration of the 70th Anniversary of the Acton Nursing Service, which was founded in 1923, is a nostalgic and special occasion for a Town Service. It seems most fitting that it be held in the Town Hall, the center for Town celebrations and social events during much of Acton's history.

Other non-profit Health related agencies have indicated their interest in participating and decorating trees with symbols of their services and interests in assisting Acton Townspeople. Among them are the Friends of the Council on Aging, the Friends of the Disabled, the Emerson Hospital Auxiliary, the Mental Health Association, and others. Members of the Acton Garden Club have indicated their willingness to assist.

All Town regulations will be adhered to, and safety measures taken. Open communication with the Town Manager and Director of Municipal Properties will be ongoing in that regard.

The FANS appreciate your support and approval, and look forward to providing an historic and memorable occasion, and an opportunity to thank the Nursing Service for its many years of loving care to our Acton Community, as well as the other volunteers who serve our Acton community throughout the year.

Sincerely,

Rita L. Dolan
Co-President, FANS

INTERDEPARTMENTAL COMMUNICATION
BOARD OF SELECTMEN'S OFFICE

10/6/92
8

DATE: 9/30/92

TO: Board of Selectmen
FROM: Christine Joyce
SUBJECT: Sunday Package Store Openings

Pursuant with your request, I sent letters to all holders of Package Stores licenses in Acton regarding Sunday Openings before Thanksgiving through New Year's. I have received responses from the six licensees requesting that they be allowed these openings as outlined by ABCC.

As noted at the previous meeting, no complaints or problems have been experienced by the granting of these Sunday Openings during the past two seasons. Upon the vote of the Board I will generate your decision to them.

The Licenses affected are: Acton Country Cupboard
Liquor Outlet, Inc.
Last National Wine Co.
Acton Convenience, Inc.
Colonial Spirits
Notar's Market



10/6/92-
(9)

United Nations Association of Greater Boston

Curtis-Saval International Center • 22 Battery March St. • Boston, MA 02109 • (617) 482-4587

OFFICERS AND BOARD MEMBERS

Chairperson

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Honorary President

Mylo Housen

President

Shirley Karnovsky

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Eric Fischer

Patrick H. Flynn

F. Murray Forbes

Sarah Brickman Gant

John S. Gibson

Edmund A. Gullion

Janice Hunt

Marrion Geer Johnson

M. Eliza Kimball

Robert F. Meagher

Daniel G. Partan

Lydia C. Perkins

Stephanie Selden

David F. Squire

Natica Righter Williams

Executive Director

Doramar G. Koesling

September 17, 1992

Dear Mayor or Chairperson of Selectmen:

Each year, the Governor appoints a Chairperson for the celebration of United Nations Day in the Commonwealth. This year he has asked me to serve in that capacity, and I am happy to do so, as I believe in the importance of the United Nations and in the work of the *United Nations Association of the United States of America*.

Forty-seven years ago the United Nations was born when the U.N. Charter was ratified by the required number of governments. The year 1992 has been noteworthy for the U.N. The Rio Conference on the Environment and Economic Development (UNCED) was a major event with which member governments are now dealing. U.N. Peacekeeping operations are in demand on every continent, most notably in war-torn Bosnia-Herzegovina. The struggles against drug abuse, hunger, and violations of the Human Rights Convention continue unabated.

In recognition of both the past accomplishments and the future promise of the U.N., I hope you will want to mark October 24, 1992 as U.N. Day in your community. You can celebrate U.N. day in many ways, including:

- *Issuing a proclamation to that effect. (A sample proclamation is enclosed.)
- *Flying the U.N. flag.
- *Encouraging schools to present special programs, and organizing suitable community activities.

In addition, I encourage you and members of your community to attend the official U.N. Day celebration at the State House on October 22 at 5:00pm.

The office of the *United Nations Association of Greater Boston* can be of help to you or to any other interested community leaders in planning for U.N. Day in your community. Please feel free to call Holly Oldcorn, Executive Director at (617) 482-4587.

Sincerely yours,

Henry S. Lodge
Massachusetts Chairman
for U.N. Day

SAMPLE PROCLAMATION

UNITED NATIONS DAY 1992

WHEREAS, the world continues to seek the road of peace and international cooperation through the United Nations;

WHEREAS, the central role of the United Nations in the international effort against illicit narcotics trafficking, for peace and security, to protect the environment, and to provide hope and comfort to the many people facing poverty, disease, and civil unrest throughout the world has grown significantly;

WHEREAS, U.S. support of and leadership in the United Nations is essential to successfully achieving the goals and objectives of the world organization;

WHEREAS, all citizens of the United States and throughout the world are encouraged to observe the 47th birthday of the United Nations on October 24th; and

WHEREAS, thousands of communities in all the states of the Union have organized festivals, ceremonies, lectures and seminars to celebrate the U.N.'s 47th birthday;

NOW, THEREFORE, I, _____, do hereby proclaim October 24, 1992, as

UNITED NATIONS DAY

in _____.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of _____ to be affixed at the _____ on this ___ day of _____ in the year of our Lord nineteen hundred and ninety two.

SEAL

SIGNATURES

Celebrate
**UNITED NATIONS
DAY**



OCTOBER 24, 1992

47th Anniversary Celebration

*Thursday, October 22, 1992
5:00pm*

at the State House

*Keynote Address: Sir Brian Urquhart,
Former Undersecretary General of the United Nations*

FREE AND OPEN TO THE PUBLIC

*Reception and Refreshments
6:00pm*

COORDINATING COMMITTEE
OVERRIDE PROCESS - 26

AGENDA

October 5, 1992 (MONDAY) 7:15 A.M.
ROOM 114 JR. HIGH SCHOOL

- 1) Presentation of Preliminary Budget Numbers based on Joint Staff recommendation for FY94 budget guidelines.
- 2) Discussion of September 28 Fincom Memo (copy attached).

TOWN OF ACTON
INTERDEPARTMENTAL COMMUNICATION
TOWN MANAGER'S OFFICE

DATE: October 2, 1992

TO: Board of Selectmen
FROM: Don P. Johnson, Town Manager
SUBJECT: Representative Resor

Staff will be meeting with Representative Resor on Thursday, October 8, to review outstanding issues and current questions. If Board members have any questions you wish to have addressed, please give them to me Tuesday night.

CC: BOS
FILE - CABLEVISION

PO Box 2737
Acton, MA 01720

OCT - 1 1992

Dear Ms. Contos:

We are writing to tell you how upset we are with our Cablevision service.

First, in the two months that we have lived here, we have gone through 4 or 5 cable boxes — We've lost count. We kept getting boxes which either gave us scrambled pictures, or boxes that turned themselves on, off, and flipped stations at any time of day or night. Finally, we have a box that actually works.

Second, in our two months of "service," we have experienced many days of cable outages and/or snowy pictures. One week, our cable worked only three of seven days when we went to use it.

And last, one of our primary motivations in getting cable was to get New Hampshire Channel 50 WNDS. This weekend, we had a large number of people over to watch the Star Trek Marathon (11 hours of Star Trek) which was to run on WNDS all day. After only 4 hours, our signal was cut off. Our guests were disappointed, and we were embarrassed. We called Cablevision, and were given some ridiculous story about the station being shared with another. The girl we spoke with could not tell us how to get the marathon back, and could not tell us what the station time slots were. We fail to understand why we have 69 available stations — some of them empty — and the station we most care about is forced to "share."

In our previous home with a different cable company, we never had so much as a service call for the cable in the two years that we lived there. We do not understand how Cablevision is allowed to have a cable monopoly in this area with such shoddy service.

We feel very strongly that I have not received the services for which we have paid premium prices in the last two months. We have really tried to go the extra mile and be patient and understanding about the horrible service and huge number of service calls, but this weekend was really the last straw. How do you intend to rectify this matter?

Sincerely,

Ann M. Tracy and Thomas P. Uellner

cc: Manager, WNDS Channel 50
Mr. Dan Janisch, Town Manager of Acton
Mr. Jeffrey Thomas, Senator Kennedy's Office

*Christine
Don*

HARVARD UNIVERSITY

The Program in Ethics and the Professions

79 J.F.K. Street

Cambridge, Massachusetts 02138

cc: BOS

September 30, 1992

Parking Clerk
Town of Acton
Town Hall
Acton, MA 01720

Dear Parking Clerk:

I have spoken this morning with the Town Manager about the parking problem at the South Acton commuter train station.

Once again, I voice my irritation that residents of Acton are not given sufficient parking area. A larger proportion of the parking lot should be designated for Acton residents only, and stickers should be issued (with a fee if necessary) so that cars are easily identified as Acton or non-Acton.

As construction on Route 2 continues to clog traffic, this will doubtless be an ongoing problem, and train traffic will only increase.

I am also aggravated that people who parked yesterday where I did on Monday, did not receive parking tickets at all. AT least you can be consistent in enforcing these parking limitations.

Sincerely,

Helen S. Hawkins
Helen S. Hawkins
44 Ethan Allen Drive,
Acton, MA 01720



The Commonwealth of Massachusetts
Executive Office of Environmental Affairs
100 Cambridge Street, Boston, 02202

Doc E-12
D19

WILLIAM F. WELD
GOVERNOR

MARGO PAUL CELLUCCI
LIEUTENANT GOVERNOR

SUSAN F. TIERNEY
SECRETARY

(617) 727-9800

September 29, 1992

Mr. Dean Charter
Tree Warden
472 Main St.
Acton, MA 01720

Dear Mr. Charter:

Thank you very much for your application for a tree planting grant from the MASS ReLeaf program.

This year we received over 90 applications for both traditional MASS ReLeaf grants and U.S. Small Business Administration tree planting grants. The committee reviewed the grants and found almost every one of the applications to be outstanding and deserving of an award. Based upon the amount of funding available this year, the committee has chosen 41 communities to fund through the MASS ReLeaf program. I apologize for the extreme delay in notification--we ran into some unavoidable detainments which we will do our best to avoid next year.

I am pleased to inform you that your community has been awarded a grant for the Fall 1992/Spring 1993 planting season. The actual amount of the awards will be announced during the MASS ReLeaf grant awards ceremony, as there are several communities receiving partial funding. This year, we will be hosting two separate events--one for the "eastern" half of Massachusetts, and one for the "western" half, in order that we may provide the special attention each of the recipient communities deserves. The first event will be held in Pittsfield on September 30, and the second in Chelsea on October 5.

At the appropriate event, your community will receive all the paperwork necessary to begin planting. This will include all of your forms and contracts. It is necessary, however, to RSVP with the names of all those attending plus the name of the person accepting the grant. If you are unable to attend the ceremony, your information will be mailed to you.

If you have any questions, please feel free to contact Jennifer Rooks at (617) 727-9800 ext. 273. We look forward to seeing you at the awards ceremony.

Sincerely,

Susan F. Tierney
Secretary

DEAN -
CONGRATULATIONS
cc: BOS
[Handwritten initials]

ACTON FIRE DEPARTMENT

OPEN HOUSE

SATURDAY OCTOBER 10, 1992

9:00 AM-----3:00PM

AT THE

WEST ACTON FIREHOUSE

256 CENTRAL STREET

APPEARANCES FROM

SMOKEY THE BEAR

&

SPARKY THE FIRE DOG

EQUIPMENT DEMONSTRATIONS

BLOOD PRESSURE CLINIC

ANTIQUE FIRE ENGINES

***DISTRICT 14 HAZARDOUS MATERIAL
VEHICLE***

Sept. 21, 1992

Subject:

ACES Proposed
Bioremediation Study

To:

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

Based on positive results at the regular EPA/DEP/WRG meetings discussing remediation of the W.R. Grace Superfund site, WRG has agreed to a pilot VFL study to define the procedure and standards for the final VFL production process. Based on ACES' comments, and the support of the Government Parties and Town of Acton representative, Doug Halley, the pilot study will include steps to measure volatilization, and maximize it during the VFL production process. The volatilized gases will be collected and remediated separately.

The result will achieve what the Bioremediation Pilot Study proposed, i.e., minimizing the amount of toxic material in the excavated soils that will be mixed in cement and buried in the landfill.

ACES Board of Directors has approved this volatilization technique, and therefore concludes there is no need for the Bioremediation Pilot Study. We request the Town of Acton officials withdraw the RFP for the Bioremediation Study.

ACES thanks the Acton Town officials who supported us in the effort to conduct a Bioremediation Study; we are happy an alternate solution has been found.

Yours truly,

Bob Eisengrein
R.H. Eisengrein
ACES Technical
Project Manager

cc:Town Manager, Doug Halley

September 17, 1992/#15

cc: BOS

MMA Action



**SENATE SET TO TAKE UP OVERRIDE VOTE ON "MARA":
CALL YOUR SENATOR:
OPPOSE THE OVERRIDE OF SECTION 367**

Dear Local Official,

The Senate is poised to take up the override of the Governor's veto of section 367 of the FY '93 budget, the so-called "Mara bill," vetoed by the Governor and overridden by the House. This is the budget section which attempts to reform Chapter 32B by providing an alternative method of providing health care coverage, but in fact would impose strict mandates on most municipalities.

The authors of Section 367 say that their aim is to provide a local option provision to make it easier for municipalities to deal with the problems of rising health care coverage costs. However, it appears that the provision would apply to any municipality entering into contracts with health carriers and reaching agreement with unions regarding health coverage. Thus, it is likely that most communities would fall under the requirements of Section 367, including a return to equal dollar contributions if an indemnity carrier is offered, with an elimination of the minimum 10% HMO contribution for those municipalities offering primary carriers. Returning to this mandate would aggravate adverse selection and double dipping, because many employees would receive health care coverage at no cost. A community without a primary carrier would have to pay a minimum percentage equal to the municipality's weighted average percentage contributions for non-primary carriers on July 1, 1991.

Additionally, there are many technical and legal problems with Section 367. For instance, the language does not specifically clarify that indemnity insurance is not required.

**PLEASE CONTACT YOUR SENATOR AS SOON AS POSSIBLE.
CONSIDERATION OF THE GOVERNOR'S VETO WILL PROBABLY OCCUR
NEXT WEEK. TELL YOUR SENATOR:**

**SECTION 367 WOULD DENY COMMUNITIES NEEDED RELIEF FROM THE
CONSTRAINTS OF CHAPTER 32B, AND IMPOSE ADDITIONAL COSTLY
MANDATES ON CITIES AND TOWNS.**

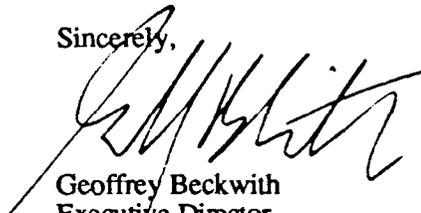
SECTION 367 WOULD BE A STEP IN THE WRONG DIRECTION.

**HEALTH CARE IS THE NUMBER ONE BUDGET BUSTER FOR CITIES
AND TOWNS. CHAPTER 32B IS WOEFULLY INADEQUATE AND
OUTDATED, AND IS IN DESPERATE NEED OF REFORM. SECTION 367
PROVIDES NO RELIEF.**

**ASK YOUR SENATOR TO OPPOSE ANY EFFORT TO RECONSIDER THE
GOVERNOR'S VETO OF SECTION 367.** A similar bill, H. 5671, is in third reading in the House. MMA is willing to work on H. 5671 with the bill's authors and union and retiree representatives to achieve a compromise.

Thank you. Please contact Marie Johnson or David Baier of our staff if you have any questions or get feedback from your Senator.

Sincerely,


Geoffrey Beckwith
Executive Director

Massachusetts Municipal Association, Sixty Temple Place, Boston, Massachusetts 02111; (617) 426-7272

MINUTES FORM

Please send a copy after each meeting to Town Hall

MINUTES OF ___ Meeting of Cemetery Commissioners _____

Meeting posted: yes, no Change of date from 6/9 to 6/16 was posted on June 5Date: June 16, 1992 Time: 7:30p.m. Place: Cemetery Office, Woodlawn CemeteryMembers present: W. Mowry, C. Putnam, E. Bailey, W. George
also present: S. Kennedy, D. Lee, N. Howell

Before meeting began, the Commissioners viewed the "Carbutt" lot

1. Minutes of the May 12, 1992 were unanimously accepted as presented
2. New Truck
The Town is paying its half of the truck in one lump sum of \$11,654.00. Would the Commissioners agree to pay our half in one lump sum also? The total bid was \$22,389.00. One half of that amount is \$11,194.50. This could be paid from New Perpetual Care accrued interest.
The motion was made and seconded to pay for one-half of the purchase price in a single payment, from New Perpetual Care, of \$11,194.50.
The motion was unanimously approved.
3. "Carbutt" Lot - monument request
This is a two-grave lot, 6'6" wide.
Linda Carbutt has requested permission to erect a bench-type monument with a 1'8" X 4' base. If the base could be shaved to 1'4" X 4', it would line up with the other monument bases in the section. Would a flower bed be allowed and where would it be located.

The Commissioners unanimously agreed to accept the monument on a 1'4" X 4' base. If a flower bed is planted, it would be located directly in front of the monument base, as specified in the Rules and Regulations
4. The request for a Rock-type monument like "Kelejian's" was approved by S. Kennedy
5. Cox-Fullonton Lot
A request has been made to allow a second upright monument on this lot.
The Commissioners unanimously denied this request as per the Rules and Regulations
6. Willett Lot 10-A, Woodlawn Cemetery
The owner would like to buy the abutting lot so that nothing will block his monument.

S. Kennedy has quoted a purchase price of \$2,000.00 (the non-resident rate) for a 4-grave lot, to be paid for over a two-year period.
7. Tuesday, July 28, 1992 - a meeting has been scheduled for the Cemetery Commissioners to meet with the Oversight Committee in room 204 at the Town Hall.
8. Section 14, Woodlawn Cemetery
D. Charter told S. Kennedy, who related the news to the Commissioners, that we had the approval of the Board of Selectmen for the development of section 14 at Woodlawn Cemetery. In D.P. Johnson's memo of May 8, 1992 to S. Kennedy, he stated emphatically and with an unbecoming attitude that we not begin work until a complete written plan and schedule for carrying the project through to completion had been submitted to him. We request a reply to S.Kennedy's memo of compliance, dated May 20, 1992. Common courtesy dictates a decent and timely reply, hopefully by June 26, 1992, so that work can commence in a business-like fashion.
9. Next Meeting - July 14, 1992
10. Meeting adjourned at 9:30p.m.

CC: BOS

MINUTES FORM

Please send a copy after each meeting to Town Hall

MINUTES OF ___ Meeting of Cemetery Commissioners_____

Meeting posted: yes, no Change of date from 6/9 to 6/16 was posted on

Date: July 14, 1992 Time: 7:30p.m. Place: Cemetery Office, Woodlawn Cemetery

Members present: E. Bailey, W. George, C. Putnam
also present: S. Kennedy, N. Howell

1. Minutes of the June 16, 1992 were unanimously accepted as corrected (No. 8 - changed "rely" to "reply")
2. Reminder - - Tuesday, July 28, 1992 - a meeting has been scheduled for the Cemetery Commissioners to meet with the Oversight Committee in room 204 at the Town Hall.
3. New radios for dump truck and backhoe
4. Our remote no longer works
It costs @ \$20.00/mo. for the telephone line for our present remote
Tony can turn our old radio into a base station for @ \$560.00
5. "Carbutt" Lot - monument
The bench-type monument was set today
6. Front Walk - S. Kennedy will get a price from O'Neil for repair/replacement of the front walk of the office building at Woodlawn.
7. Next Meeting - August 11, 1992
8. Meeting adjourned at 8:30p.m.

MAGIC

Acton
Boxborough
Carlisle
Concord
Hudson



Littleton
Marlborough
Maynard
Stow
Sudbury

cc: BOS

Minuteman Advisory Group on Interlocal Coordination

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

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

MEETING NOTICE

SEP 30 1992

October 8, 1992

7:30 p.m.

**Fairbank Senior Center
Fairbank Road
Sudbury**

- 7:30 p.m.** Fort Devens Reuse Forum
Forum debriefing and lessons learned.
- 8:00 p.m.** Updates and Business Matters
Fort Devens CAC
Rt. 2 CAC
DRI Status
- 8:15 p.m.** MAGIC contributions
Status report from communities
- 8:20 p.m.** Housing Survey Results
To date, only Acton and Maynard have returned survey forms. Please return your forms to MAPC before Oct. 8 if possible. Be sure to add the following as Question #7: Would you be interested in participating in a regional information exchange meeting on housing issues?
- 8:40 p.m.** By-law revision
Subcommittee report and recommendations. Please review and bring your copy of MAGIC's By-laws and Memorandum of Understanding.
- 9:00 p.m.** MAPC's Subregions
Preparation for MAPC February Council meeting: role of the subregions; what they do well; what they could do better; MAGIC presentation

472 Main Street, Acton, Massachusetts, 01720

October 1, 1992

508-264-9629

Acton Garden Club
C/O Lyn Fischer
11 Whittier Dr.
Acton, Ma., 01720

Dear Lyn:

I am in receipt of your letter of September 14, regarding the Plant Sale to be held on May 15, 1993, on the portion of the Town Common that is directly in front of the Memorial Library. At this point, nothing has been scheduled for this area on that date, and I see no reason why the event cannot be held as it has been in past years.

I will circulate your letter to the Library Director and the Town Manager, just in case there were plans made that I am not aware of, but if you do not hear back from me by October 23, you can plan on proceeding with the event. There may be some construction on a new section of sidewalk in front of the Library about the same time you have scheduled this event, but I think that we can work around each other, and there should be no problem.

As always, I want to express my gratitude for all the help the Garden Club has given us over the years in beautifying the public areas of Town. It just wouldn't be the same without your help.

Sincerely,



Dean A. Charter
Municipal Properties Director

cc.: Town Manager
Library Director

DAC/151

cc: BOS - FYI

Middlesex News

9/29/92

Combatting Use it, or lose it'

SCRIPPS HOWARD NEWS SERVICE

In an age of chronic budget deficits, most governments in America still use budget systems that give managers an incentive to waste money. This simple fact, startling as it may be to people outside government, explains why budget reform is the most important management change available to most governments today.

David Osborne

Most public budgets fence agency money into dozens of line items. A typical department manager has 30 to 40 line items for every program or division. In one branch of the military, base managers have 26 accounts for housing repairs alone.

Theoretically, a manager can request permission to move funds across the fences. But this is risky, because more often than not the answer is: "Money's tight, so we're glad to take back the surplus, but we can't let you move it to the other accounts." Hence managers rarely try to shift funds. Most managers stick with yesterday's priorities, even if today's needs have changed.

But it gets worse. If managers don't spend their entire budgets by the end of the fiscal year, they lose the money they have saved, and they get less next year. Not surprisingly, smart public managers spend every penny of every line item, whether they need to or not.

Most public managers know where they could trim 10 to 15 percent of their budget, but why go through the pain of transferring or laying people off, if you can't use the money for something more important?

It doesn't have to be this way.

In 1979, Fairfield, Calif., invented what it called an "Expenditure Control Budget." The new system did two things: It eliminated line items, and it allowed departments to keep what they didn't spend. Each department's annual budget was determined by a formula: It got the same amount as last year, increased to account for inflation and growth in the city's population. (The city manager could adjust these amounts, and when revenues fell short and the council failed to act, an automatic across-the-board cut kicked in.)

The new system assumed that departments would maintain the same level and mix of services, at a minimum. If the council wanted a major new initiative, it would appropriate additional money. Managers still used line items to track their expenditures, but the council never saw them. They became an accounting device to help managers, not a control device to hem them in.

The new approach transformed the way managers thought about their money. In the past, if the police chief needed more men, he asked for more money. If the manager or city council said no, he blamed them. It was never his fault. No one expected him to comb through the budget he already had to find savings.

Now the dynamics changed. "Spend it or lose it" gave way to "save it and invest it." Chuck Huchel, chief of public safety, saw the contrast every day. His city budget came the new way, but his police department hustled a fair number of federal grants, which came the old way.

"It's amazing," he says, "the same people behave differently with the two streams of money. With the federal grants, we spend everything that's on the list, whether we need to or not. You don't have incentives to make the cost savings, because if you don't spend it you give it back. With the city money, they know that any savings can be applied to other programs or equipment. So you say, 'Hey, I don't actually need this to make the program work, so I'm not going to spend it.'"

By 1981, California had named Fairfield one of its four most fiscally sound cities. Over the next decade, the city spent \$4.9 million less than it was appropriated. In addition, the general fund balance, combined with accumulated reserves, stood at \$30 million.

To: Town Manager
BOS
From: Nancy

The new system has allowed Fairfield to adjust to the current recession with ease.

The Expenditure Control Budget gives every employee an incentive to save money. It radically simplifies the budget process. It saves millions of dollars on auditors and budget officers. Perhaps most important, it frees city councils and state legislatures to focus on the real issues. Rather than debating the minutiae of thousands of line items, they can spend their time on the problems they were elected to solve.

David Osborne writes for *Governing Magazine*.

HISTORIC DISTRICT COMMISSION MINUTES: Sept. 8, 1992

Members present: Dallmus, Forbes, Gates, Peterman, Schmidt.
H.R. 121 at 8:45 p.m.

Minutes of Aug. 24 were approved as written.

OLD BUSINESS:

It was noted that information about HDC had been sent to a Groton citizen who requested it.

Davis Monument Lights--Application #9203--It was unanimously voted to disapprove the application, noting that there had been no response from Director of Municipal Properties Dean Charter to the recommendation of two alternatives presented to him by the Commission on 9/2: direct burial lighting at or below grade level; or screening existing fixtures with landscaping sufficient to hide fixtures at all times of the year (Sec. 7.5). Charter will be invited to a meeting and asked to submit a revised application within 14 days.

NEW BUSINESS:

The VCC has an applicant for an alternate position. It was agreed that our need for an attorney is sufficient, that we should ask the VCC to advertise for one for six weeks before filling the position.

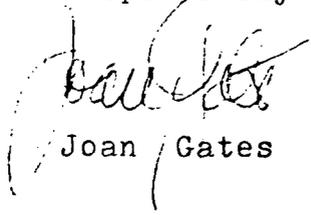
Mill Corner-- we have no comment at this time.

Commission members discussed briefly several properties where work has or is taking place.

The meeting adjourned at 9:45 p.m.

NEXT MEETING: Monday, Sept. 14, H.R. 121

Respectfully submitted,


Joan Gates

ACTON-BOXBOROUGH REGIONAL SCHOOL COMMITTEE

Conference Room
Junior High School

October 1, 1992

AGENDA

- 7:30 I. CALL TO ORDER
- 7:31 II. APPROVAL OF MINUTES OF SEPTEMBER 3, 1992
- 7:35 III. PUBLIC PARTICIPATION
- 7:45 IV. EDUCATION REPORT -
1. Update on Externship Program and Educational Grants - Art Goodall
 2. Report on Enhancement of Cable Television Utilization - Don Gilberti
 3. Report on PPEA Grant Proposal - Jim Chace
- 8:25 V. SUPERINTENDENT'S REPORT FOR THE MONTH OF OCTOBER -
William Ryan
- RECOMMENDATIONS
1. Recommend Coaching Appointments
 2. Recommend Extra-Curricular Appointments
 3. Recommend Formal Acceptance of Construction Project
 4. Recommend Out-of-District Tuition Rate for SPED Students
 5. Authorization for Application for School Assistance in Federally Affected Areas
 6. Recommend Acceptance of Home Instructional Plan
- 8:35 VI. FOR YOUR INFORMATION
1. Status of 1992-92 Organizational Objectives
 2. Personnel Items
 3. Fall Athletic Schedule
 4. Driver Education Program Staff Handbook
 5. Letter of Recognition for Bill Noeth
 6. ABRHS Band Fall Schedule
 7. Eligibility Guidelines for Special Education
 8. High School News
 9. C.A.S.E. Questionnaire
 10. Professional Day Plans
 11. Junior High School News
- 8:45 VII. WARRANT DISCUSSION
- 8:50 VIII. CONCERNS OF THE BOARD
- a. Discussion of FY'94 Coordinating Committee Guidelines
- 9:05 IX. NEXT MEETING - November 5, 1992, Room 114, Junior High School
- 9:10 X. EXECUTIVE SESSION
- 9:45 XI. ADJOURNMENT

cc: BOS

ACTON-BOXBOROUGH REGIONAL SCHOOL COMMITTEE

MINUTES

Conference Room
Junior High School

September 3, 1992

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

Also Present: Bill Ryan, Mac Reid (6:35), Dan Leclerc, Steve Desy, Fran Leiboff, Steve Donovan, citizens and press.

The meeting was called to order at 6:00 p.m. by Chairperson, Donald Wheeler.

Minutes of August 24, 1992 were approved as written.

Warrant #93-009 in the amount of \$35.00, Warrant #93-010 in the amount of \$22,597.20 and payroll warrants totaling \$81,411.05 were signed by the chairperson and circulated to other members of the Committee.

Don Wheeler introduced and welcomed Daniel Leclerc, newly appointed Director of Curriculum and Instruction.

Jacqueline Roy of J.A. Roy Associates, was present to begin discussions on the process to be followed in the search for a new superintendent. She distributed a proposed timeline and a suggested list of groups she would like to meet with. She would like further suggestions as to specific groups to meet with in Acton and Boxborough to make sure she has input from as many people as possible. She will bring information gathered from these meetings back to the Committee for inclusion in the brochure.

Don Wheeler suggested that two sub-committees be set up - one to deal with a needs assessment and the other to design a brochure. He then asked if there were any concerns about the timeline. Mary Anne Vogel said that evening meetings would be better for some groups. There was discussion about the lateness of mid-January as a deadline for applications. Jackie Roy explained the rationale for her timeline saying that we were already into September and it would take until the end of the month to meet with community groups, etc., and report back to the Committee. She said early October would be the earliest the brochure and advertising could be done. This would leave a short time to get in applications as holidays are dead time - have to allow a couple of weeks over the holiday for people to get their papers together, etc.

Rick Sawyer wanted to know if the application process was a rolling procedure or would the applications pile up unread until all were in. Jackie said she screened them as received. Steve Aronson wanted to know why she could not advertise before the brochure was finished. At this point, Don suggested they put aside the timeline issue and talk about the September, October piece. Jackie asked that arrangements be made for her to meet with community and school groups as fast as possible. She would then get back to the Committee to work on qualifications. Also, the group can work on the skeleton of the brochure - information about districts and communities. Mary Anne Vogel volunteered to work on community input for Boxborough and

Micki Williams and Jean Butler will do the same for Acton. Lees Stuntz and Harry Hersh will work on the brochure. Hopefully, a draft of the brochure will be ready to present to the Committee by the end of September, and Jackie will bring samples of advertisements. Steve Aronson asked if the role of the sub-committees should be to study these two issues deeply and return to the Committee. Don said no, the sub-committees are empowered to make decisions at that level. Mary Anne agreed with this but said the members should feel free to call the sub-committees with suggestions or questions.

Jackie said the phase beyond that will be to talk about the recruiting process. She will advertise and wait for responses. Beyond that she has an extensive mailing list and would beat the bushes a bit to find people who are qualified and recommended - people who have done a good job in their own district. She will follow-up with phone calls to discuss the position. There is need to really closely define what it is Acton and Acton-Boxborough are looking for right now and over the next 5-10 years. She looks at applications as they come in and does some pre-screening. Don asked how she would feel if the Committee were interested in screening those resumes and what would be their opportunities to do that. Jackie said there isn't much that comes in until 2-3 weeks prior to deadline. She said she has been asked in recent searches to screen down to a workable number - 12-20. She will provide a list of all who have applied and will bring resumes in a box if the Committee wants and will explain why she chose the ones she did. However, she said it makes sense to wait until after the deadline. Lees asked her how would she feel about a small sub-committee made up of School Committee members or community (3 or 4) going through the applications and rating them into thirds. Jackie said she had never done that before but was not inflexible, but people have different ideas about who fits into which category and it would be a lengthy process. Lees asked what about the top two-thirds and have that small committee look at them. Jackie said it could be done. There is an evaluation form she has put together over the years but it would mean spending the better part of two days - which is why she does it. Don Wheeler asked why the Committee would want to do this when a professional person has been hired to do it. Mary Anne said since we are paying Jackie, she would like to see her pick the top third and bring the box in. The Committee could look at those others to see if anyone was missed. Jackie said in the past she never had anyone go through the applications - it was always felt the ones she selected were good enough. Mary Anne said it was perfectly fine to let Jackie pick out the top third, but they would just like to look beyond those, perhaps the middle third. Steve Aronson said he wanted to rely on Jackie as much as possible and was not concerned about rejects. He agreed with Rick Sawyer's comment that there will be a whole lot who meet our criteria, and if Jackie cannot find those, then we have hired the wrong person. Jean said that Jackie should be given the authority to pick the top one-third and Harry agreed. Mary Anne suggested she bring in the box for three days - if members don't look at it, fine. Jackie said she was concerned with confidentiality. Don said it would be for School Committee eyes only. After the deadline, the box would be locked up in Bill's office. Jackie she said she would probably select 12-16, but the Committee may want a larger number. Steve said he preferred the smaller number. Don suggested they continue with the process before selecting the number of people. Jackie Roy asked how serious the Committee was about having community involvement in interviewing. She said the Committee can go with any number they want. Steve proposed that just the School Committee go through the applications to get from top third to whatever the magic number and determine at some number the application pool representing the top echelon. The remainder will be in the box. Jackie will be given the name and current

position of any others and members can question her as to why she did not include them. Jackie said she was concerned if the community group is involved in this process they be as small a group as possible because of the confidentiality issue. Some candidates will not apply if they know a large number of people will know of their application which might jeopardize their present position. There is need to protect the candidate and integrity of the process. Once the semi-finalists are selected, then there will be other people looking at these applications. Micki said if the community is going to accept this superintendent they have to buy into the process. It was suggested that people from the community interview at the semi-finalist level and give the Committee 3-5 finalists. It would be confidential through the semi-finalist stage. Jackie said she thought five finalists were too many, and suggested three. Pam said she was concerned we wind up with a finite number of people and say to the community these are who you can interview or review applications to narrow down the list. Jackie asked if she was saying there should be another step in the process. Steve said if we are comfortable with our selection of the screening committee and make sure confidentiality is assured, then give them the widest number to select from and come back to us for final selection. Rick said he would be interested in a split between applications received through both the passive and active process. Lees said there could only be two interviews - one in private session and one in public which is the School Committee's responsibility. The community could be involved either in initial screening or at semi-finalist stage. Don said he did not want to settle this part of the process at this meeting - that it was more important to get along with the timeline and numbers. He asked if the Committee wanted to encourage a shorter time frame. Lees suggested as a compromise, January 10. Referring to October/November time frame for advertising and recruitment, Steve asked Jackie if this could take place during the same period and then have mid-December as deadline. Jackie reiterated that with vacations and holidays, candidates would need time to get things together. Don agreed that January 10 would be the compromise date. He asked if any of the public present had questions about the process. Carol Mackey suggested that the public should be informed that if they are interested in participating, they should submit their names. Don said there will be a public session also to give the public an opportunity to talk about what they want in a Superintendent.

At 7:35 p.m., it was moved, seconded and unanimously

VOTED: To go into executive session to discuss strategies relative to possible litigation 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 8:35 p.m., the Committee returned to open session.

PUBLIC PARTICIPATION: There were a number of citizens present with concerns about the selection process for girls' soccer coaches arising out of the recommendation of Scott Cooledge for junior varsity coach instead of Brooke Nichols. Brooke was approved on August 6 as junior high girls' soccer coach but had applied for both the varsity and junior varsity positions. Bill Ryan said that after he was contacted by Brooke relative to this, it was his responsibility to assure that the proper people were involved in making the decision - Steve Donovan, Principal, Jack Schofield, Athletic Director and Pippa Jolie, varsity coach. Connie Diskin asked what the

standard process is. Mac Reid said that the process for hiring coaches was a little different than that for teachers but at least three people must be interviewed. He added that in this case licensing was not a requirement. Jack Finley, Mrs. Nichols' father, said it appeared on the surface that there was a qualification which was not part of the job and he intended to pursue the issue. The Committee was asked to summarize the criteria for hiring. Don Wheeler said the Committee had no part in the interviewing process or selection of coaches. They serve to set policy, and do question practices, but can only pass on recommendations

A member of the public said he thought the process was to identify and post the position, review the applications, and select key persons for interviewing. He understood that Brooke submitted all the paperwork in March/April and the selection of someone who came in at the last minute was not playing by the process. Don Wheeler said we don't post for coaches within a finite time. Sometimes it is necessary to solicit applicants, but not in this case. The process is the guideline.

Jack Finley asked if we are indifferent to excellence in all parts of our system; that there should be striving for excellence in all areas. Mac Reid said in the past we have not had the same timeline for coaches as for teachers. Brooke asked what were the qualifications Scott had over hers. She added that she has ten years coaching experience. She said that Jack Schofield must have something against her, maybe because she was a woman. She said that two weeks ago Scott did not exist in this system. Brooke also said Jack had five months to make a decision. She said that Pippa told her on August 14 she was going to recommend her. Brooke contended that Pippa informed Jack who asked her to talk to Scott. "It is because I am not a male. I would do this for nothing because I love it. I don't understand, Jack has not given me a reason. Jack let the time run out and did not have enough time to advertise for my junior high job if I moved up." John Smith, a well-known soccer player, spoke of Brooke's qualifications.

Linda Morris said she did not know Brooke but was present at the School Committee meeting when other fall coaches were appointed. Why was the junior varsity coach not appointed then? Don Wheeler said the varsity coach helps select the junior varsity coach. A member of the public present asked if there were any way to appeal. Don said the Committee will act on the recommendation from the Superintendent. Bill Ryan said he did not think it appropriate to talk about qualifications of candidate A or B. His concern was to check the process. He talked with the three individuals who recommended Scott. It was clear to him that the recommendation was a joint recommendation. It was also clear that Brooke is a very good coach, players respect her and she knows the game. Brooke suggested that the Superintendent and Committee set some guidelines, that there has been bad coaching year after year, the best people are not picked. She asked why advertise if Jack can just say "I like you" and you have to stick by it. Brooke said she was not interviewed for the junior varsity position, just the varsity - was one of three varsity finalists. She said she had no problem with Pippa, she is more qualified. Brooke charged the Board to set some guidelines. Bill Ryan said she was absolutely right that she deserves an explanation, but not here. Brooke said that Jack said Pippa recommended Scott but she knew that was not true. Bill was asked if he talked to the varsity coach, and he said no. He again said there was no question that Brooke deserved an explanation, but he did sit down with Jack and Steve and understood the recommendation that came from three people concerned was Scott, and

there were reasons for that. Jack Finley asked who would supply the explanation. He was told the Superintendent, Steve Donovan and Jack Schofield. Don Wheeler told Brooke she had a commitment from the Superintendent. Jack Finley said if Brooke had been a male there would have been no question about her appointment.

Mary Parenteau asked if you have a less than qualified coach here, and if so, is there a danger to the girls? Bill said Scott has coached lacrosse and freshman boys' soccer. Don Wheeler was asked if it was out of the ordinary to postpone a recommendation when the Committee doesn't understand and people have concerns. Don said the Superintendent has the opportunity to pull the recommendation, but I don't think he is going to. The School Committee will vote on it. He said that, personally, he did not think postponing the vote with practice underway would be good.

Brooke Nichols asked the Committee to reconsider because the girls deserve a qualified coach. She posed several questions about soccer rules and said if Scott could answer those questions in a coaches' way then she would back away.

SUPERINTENDENT'S RECOMMENDATIONS FOR AUGUST

It was moved, seconded and unanimously

VOTED: To approve the following Department Chairperson Appointments:

Elizabeth Liapunov, Secondary SPED
 John Nacke, HS Science Department
 Elizabeth Mackay, Visual Arts, K - 12
 Anita Dodson, Reading, Health, E.S.L., K - 12
 Jim Guter, Music & Performing Arts, K - 12
 Joean Doherty, HS Foreign Language Department
 Kathy Carlin, Speech/Language, K - 12
 Pamela Lynn, HS Social Studies Department
 Neil Murphy, HS English Department
 Bill Noeth, HS Math Department
 Andrew Palmer, Counseling Department, K - 12
 Kathy DeSisto, JH Social Studies Department
 Rosemary Dow, JH Math Department
 Bert Hubley, Jr., JH Science Department
 Nancy Nizel, JH English Department
 Dorothy Stewart, JH Foreign Language Department

It was moved, seconded and

VOTED: To approve the following coaching appointments:

Scott Cooledge JV Girls' Soccer

The motion was approved by a vote of 7 to 1, Lees Stuntz against and Pam Harting-Barrat abstaining.

The following were approved unanimously:

Nan Thomson	Freshman Field Hockey (paid by Boosters)
Diane Hagelstein	Assistant Volleyball

It was moved and seconded to approve the following high school extra-curricular appointments:

Bill Noeth	Math League
Joanne Sheehan	Student Government
Pam Lynn	Student Government
Helen Volkmann	Student Council
Bob Clever	Student Council
Laura Watkins	National Honor Society
Bill Noeth	National Honor Society
Frank Calore	Freshman Class Advisor
Jacalyn Starr	Sophomore Class Advisor
Andy Palmer	Junior Class Advisor
Dennis Kavanagh	Senior Class Advisor
Gerry Duggan	Work Study
Jim Guter	Marching Band Director/Jazz Band Director
Joe Marashio	Peer Leadership/S.A.D.D.
Don Gilberti	AV Media Director
Jane Starr	Yearbook Advisor
Mary Janet Paisley	Newspaper Advisor
Barbara Offenhartz	Science Olympiad Advisor
Niki Veley	Academic Decathlon Advisor
Carol Walsh	Academic Decathlon Advisor
Ann Sorvari	Proscenium Circus Advisor
Bill Seymour	Proscenium Circus Advisor
David McClung	International Club Advisor
Jane Starr	Senior Class Talent Show Advisor

Steve Aronson made a motion to amend the recommendation omitting Jane Starr's name. His motion was not seconded. The original motion was passed by a vote of 8 to 1, Steve Aronson opposed.

It was moved, seconded and unanimously

VOTED: To approve the appointment of Susan Bohmiller as special educator at the High School for the 1992-93 school year.

FOR YOUR INFORMATION:

Bill Ryan referred to the Class of '92 profile, the Fall Community Ed. Brochure and commended the staff for a terrific job, the Summer School report provided by Nicki Veley and the Per Pupil Education Aid Program for which they are looking for more staff input. It should be completed by October.

Mary Branon reviewed the Regional Lunch Program report and said that the good news was that

the program was in the black. Steve Aronson asked if she lowered the price, wouldn't she sell more meals. Micki Williams hoped that whenever there was the opportunity to offer low fat foods, she would do so.

CONCERNS OF THE BOARD:

Harry Hersh said in regards to the Student Information System, given the potential for abuse, to ensure that there is security and audit trails. Bill said his understanding was that individuals using the system was not expanding, just their ability to generate their own reports. He said that student information was kept on the VAX and financial records on the PDP.

Rick Sawyer asked if there is a handbook for coaches. Mac Reid said there was and he would get Rick a copy. Don was asked if the Junior High coaches were separate from the Senior High's. He said the Junior High coaches come under the supervision of Jack Hughes. The inter-relationship between Jack Hughes and Jack Schofield does not exist any longer. Steve Desy said some head coaches include those at the junior high, some isolate them. There is no policy. Mary Parenteau asked who evaluates coaches. Mac said what is supposed to happen is that Jack Schofield evaluates the varsity coaches and the varsity coaches evaluate the junior varsity coaches. Don said the process is being improved. Mrs. Parenteau asked if the Committee has ever listened to parent gripes. Mac said people can have input. Pam asked if there was any policy on any grade level being excluded from play. Steve Desy said seniors do not play junior varsity and freshman can be pulled up to a higher level.

Jean Butler said the Special Education Advisory Council has printed a new brochure for all those who have an IEP.

There was discussion about swimming being required for graduation. Steve Donovan said students must pass a term of swimming some place in Physical Education. As of today, swimming is required for graduation, but he will propose this be changed.

Pam Harting-Barrat asked if the legislature was inquiring into class officers. Steve Donovan said there was only concerns with reps to the School Committee and timing of election.

Steve Aronson asked why we are over-budgeted in Superintendent's salary account. Bill said it was because of agreement with Unit B.

Bill explained his reasons for recommending salary increases for Sandy Wieher, Pat Barry and Linda Mathinos. Bill did obtain comparisons with other community ed programs of which few compare to our program. Steve Aronson said these folks should be commended and moved that the Committee accept the recommendation of the Superintendent with respect to salary upgrades for Sandy Wieher in the amount of \$3,500; Pat Barry in the amount of \$2,000 and Linda Mathinos in the amount of \$1,500.

The motion was seconded and unanimously voted.

The increases will not come out of the appropriated budgets but out of revolving accounts.

Micki Williams referred to the listing of School Committee members in High School handbook and requested that no Mr. or Mrs. appellation be used.

WARRANT: There were no questions.

A-B Reg. Sch. Com.

September 3, 1992

NEXT MEETING: October 1, 1992, 7:30 p.m. Room 114, Junior High School.

The meeting was adjourned at 9:50 p.m.

Respectively submitted

Evelyn I. Smith, Secretary

Selectmen

ACTON FINCOM MEETING MINUTES

Date: September 9, 1992

Present: Mark Allen (Chairman), Camille Chevez-Gabrielli, Paul Kohout, Tom Mackey, Charles Olmstead, and Joe Peters

Appointed 8/30/92

Meeting was called to order at 7:45 P.M. Minutes of the previous meeting were accepted as presented.

The following action items were discussed.

Mary Donald was on vacation and could not report on school legislation issues.

The following reports were made.

Coordinating Committee by Charles Olmstead.

Early Retirement. Town is not likely to recommend early retirement program. The present bill is going to be amended because of flaws in the present version.

Next Audit.

Cogeneration. Three cogeneration proposals received and a recommendation is being prepared.

not focus 3 prop: subs

Chapter 32B status. The town is awaiting a D.O.R. ruling on the base plan for health insurance. The opinion is that the impact could be either quite severe or nominal depending on the ruling.

Chapter 133. Memo from Jim Chace was distributed. Paul said he was told by Bill Ryan that Education Grant of \$100/pupil can not be used for early repayment of the salary deferral. Joe took strong exception to this interpretation and suggested that we talk with John Murray for interpretation of specifics. This is an action item for Art and Mark to review Jim Chace's memo and other alternatives with the Coordinating Committee.

look do grant for deferral

*

School Choice. School Choice report that was distributed at Coordinating Committee meeting was not distributed at FINCOM meeting through an oversight on Charles's part. Use of School Choice monies is an action item for Art and Mark for the next Coordinating Committee.

see memo 9/27/92

*

FY94 Budget. Charles reported that the Town's budget preparation schedule and the A.B.R.S.D./A.P.S. budget timeline schedule were in fairly close agreement. It was agreed that both schedules should have the same format and terminology. An action item is to get clarification on what happens between 10/26 and 11/20 in the budget process.

*

Selectmen by Camille Chevez-Gabrielli.

Suggestion that Sharon Ingraham be considered for some future role in the FINCOM. She has expertise with cable TV.

An historical review of the issue of "packet of information for meetings of Selectmen" was presented. Many strong opinions expressed about the perceived role of FINCOM.

School Committee.

Paul Kohout did not attend the September 3rd meeting and Mary Donald was not present so no report was given other than the fact that a search firm has been approved for identifying candidates for School Superintendent.

~~Handwritten scribbles at the bottom of the page.~~

Area FINCOM.

Mary Donald was not present to give a report.

Master Plan Coordinating Committee. Camille Chevez-Gabbrielli.

Nothing to report.

Cogeneration. Paul Kohout.

A fact sheet prepared by Jay M. Silverston and Associates Inc. was distributed.

The sheet summarizes the salient features of each of the three proposals. It seems that A.E.S. is the leading contender for the project.

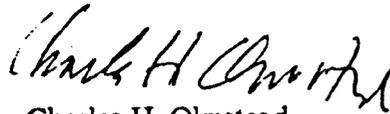
Area Symposium.

Mary Donald was not present to make a report.

New business and Municipal Grant Round 2 was not discussed at any length due to the lateness of the hour.

The meeting adjourned at 9:30 P.M.

Respectfully,



Charles H. Olmstead
Acting Scribe

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

Don P. Johnson
Town Manager

September 25, 1992

Norman Cohen
Palmer & Dodge
One Beacon Street
Boston, MA 02108

Dear Norm:

The attached documentation regards land known as the Marshall Land. The property has been under Ch 61 and Ch 61A. (There is some disagreement between the petitioner and the Assessors in this regard; however, we claim rights of first refusal under either. I will be happy to discuss this further with you if it becomes germane to the balance of this request.)

The Selectmen voted on September 22, to refuse the offer with respect to Lot 4 but, in so doing, they specifically stated that they wish to preserve the Town's right of first refusal on the balance of the property (that portion that is not currently being sold). Further, they are concerned about the effect that paragraphs 30.6 thorough 30.9 of "Schedule B, Additional Provisions" may have on the Town's first refusal rights ... both with respect to the current sale of Lot 4 and also with respect to the future sale of remaining lots or parcels.

We need you to provide the following:

1. Please review the attached documents with an eye toward the questions regarding paragraphs 30.6-30.9. Please advise me if there is anything that causes you alarm in the context of our desire to preserve our first refusal rights.
2. Please prepare a letter with suitable wording for the Selectmen's response to the petitioner. It should indicate their refusal on the portion of the property before them (Lot 4) but clearly state that they are preserving their rights with respect to the balance. It should also include any wording that you might deem appropriate to protect our interests with respect to paragraphs 30.6-30.9.

There is ample time under the statutory offering period but I have promised to return this to the Selectmen fairly quickly. Anything you can do to expedite this request would be appreciated. Please give me a call if you have any questions.

Very truly yours,


Don P. Johnson
Town Manager

cc: Board of Selectmen

DPJ:411

SELECTMEN'S MEETING
SEPTEMBER 22, 1992

DRAFT

The Board of Selectmen held their regular meeting on Tuesday, September 22, 1992, present were Norm Lake, Nancy Tavernier, Anne Fanton, William Mullin, and Town Manager Johnson

CITIZENS' CONCERNS

Don Gilberti updated the Board of the status of cable connections to the Civil Defense Building. They are now hooked up and ready. He also has been asked to coordinate technical improvements to the School Committee broadcasts of their meetings. He will be working with Mark Tomel and Joe Mangno to accomplish this task in the next year.

PUBLIC HEARINGS AND APPOINTMENTS

BOSTON EDISON - & NET&T - Esterbrook Road
ANNE FANTON - Moved to approve - NORM LAKE- Second.
UNANIMOUS.

PASTA VILLIAGO - REQUEST FOR CHANGE OF MANAGER

George Filiss outlined his training and experience in handling of liquor. He also has been requiring employees to attend TIP course and presented the Board with his company policy on the serving of alcoholic beverages. BILL MULLIN - Moved to approve the George Filiss as the new manager at Pasta Villagio. NORM LAKE - Second.

FORT DEVENS REUSE UPDATE

Carol Place the Chairman of the Fort Devens Task Force outlined the written report submitted to the Board. They have been attending the Joint Board Meetings, they have had speakers in to speak to them as well as other meetings as offered. They feel the Federal Prison and the Inter modal reuses are viable ones that have gained acceptance with the bordering towns. Anne Fanton mentioned the MAPC meeting on October 1st as urged attendance from anyone interested as well as the Task Force and asked them to develop questions regarding the reuse to pose at that time. The Board discussed the progress that the Task Force had made in getting all the information together and becoming so well informed in such a short time frame. It was decided to have the Task Force back in after the A.D. Little report had been received and reviewed, approximately 3 months.

MAIN STREET SIDEWALK

Don Johnson outlined the parking problem in front of the Library that they wise to address. Nancy suggested we decide

whether parking be allowed in front of the library. The funding is now available to do this portion of the project since the removal of the tanks was much less than budgeted for. Anne felt paving beyond the roadway would give a bad visual impact. She was concerned that to wide the road for a couple of spaces in front of the library would be a shame to sacrifice the green space for parking. Norm was in favor of the 3 spaces being formalized. Bill wanted to hear public comment before he commented. He too agreed that to widen might it might have a bad visual impact at this location.

Anne Chang, representing the Library said they had voted in 1990 to retain the spaces and that a great deal of support from the patrons to maintain these spaces had been received. The elderly find the spaces useful as well as the inter-library book loan van for unloading and loading text. Mrs. Boardman said she wanted to the spaces formalized. Sue Fingerman asked about the alternative if no parking existed, and was in favor of formalize the spots. Dean Charter explained that his earlier proposal to "green" the area had been withdrawn after he reexamined the area and spoke to more people about it. Joan Gates said the Historic District would not get involved in this issue since it was considered an at grade level project. She also suggested the Board look at a similar project in Concord. The new owner of the Collin's House suggested that a more creative approach may be taken, that the sidewalk and the parking space not be as large as usual. He felt the pedestrian and vehicular traffic could coexist if a creative approach was taken. NORM LAKE - Moved to direct staff to proceed with a plan to continue providing parking preservation in front of the library and to be sensitive to the special aesthetic requirements being that it is in Acton Center, and to have the Historic District involved for advisory purposes. BILL MULLIN - Second. UNANIMOUS VOTE.

The Board asked that the final plan be brought before them for final approval before construction.

The Board then discussed the remaining portion of Main Street to Nagog Hill road. Anne asked about the number of trees that would be removed. Dean said that several trees would have to be removed, however some of them were diseased currently and would have to be removed in the near future.

The Garden Club and Woman's Club urged the Board not to remove any of the spaces used along Main Street as it would severely impact the use of the building.

The Board then discussed the existing walk way to the front of the library and Civil War Memorial. The Board asked staff to submit any proposals for re-design to them prior to action to start the project. Dennis Ahern asked that cobble stones not be used as they are not in line with this region.

MARSHALL LAND - 61A

Norm asked for a clarification of the parcel up for sale. It was stated that it is the parcel 6 1/4 acres with the house and barn not the larger lot. It was noted that according to present zoning, that only one other house could be built on that 6 1/4 lot, and that due also to zoning, the groundwater is protected presently. NORM LAKE - Moved to asked the staff to prepare a proper reply expressing that the Town was not interested in this 6 1/4 parcel but that we wanted to persevere the right on the balance of the property. WILLIAM MULLIN - Second. UNANIMOUS VOTE.

CONSENT CALENDAR

The Board approved the Consent Calendar with Item 10 removed - ANNE FANTON - Moved to accept the balance as presented. BILL MULLIN - Second. UNANIMOUS VOTE.

SELECTMEN'S CONCERNS

SARC - Staff was directed to send a letter to SARC to send all bridge information to Historic District to coordinate submittal and actions with the State.

DECK HOUSE - Anne Fanton offered represent the Board at the open house.

BOY SCOUT - Nancy Tavernier volunteered to represent the Board at the October 25th Court of Honor.

CROWN RESISTANCE DAY - Nancy Tavernier will represent the Board at the ceremony on Sept. 27th.

MINUTEMAN BUILDING - Don updated the Board of the status of the building. The Town has repaired the boiler and plumbing that was damaged due to improper seasonal preparations. The fire escape has been repaired and the top floor is closed to use except for storing of the light food items used by the Community Supper. Don sought the board's direction on whether they wanted to put the use out to bid, or close the building for good, currently Municipal Properties expects it costs \$5,000 per year to keep the building open. The locks were changed to protect the community supper's supplies. The Minutemen have been offered the use of the Town Hall for their meetings but as of yet have not used the building. Anne asked about the possibility of selling the building. Don explained we have looked into it several times in the past several years. After discussion, the board decided to bring the issue back as an agenda item and invite the Minutemen in to discuss the building.

Train Whistles - Nancy updated the Board on Representative Resor's request to have the board to put a home rule article on the April Town Meeting.

Coordinating Committee - Bill outlined the last meeting and that the administrators would be coming back with different guidelines at the October 5th meeting to review assumptions.

MPCC - Anne discussed the School's request to have a member on the MPCC. it was felt that after discussion, they might want to monitor the meetings but not be a designated member. Anne will contact them.

CAC - Anne updated the board on the recent action regarding Crosbys Corner and will attend the meeting in Concord regarding its redesign. She also will urge them to come out and look at the rotary signage again. The current signage affects the traffic in a negative way, they have said they will look at it again.

TOWN MANAGER'S CONCERNS

CLASSIFICATION SURVEY - The Board discussed the survey. Anne felt it was too labor intensive and felt unless it was of value to us we should not prepare a response. Bill thought that staff could respond if time permits. Nancy volunteered to work with staff on this survey as time permitted.

TAX CLASSIFICATION - Don discussed the proposed schedule for the Tax Classification hearing. They would be gathering the new growth figures for certification and suggested they meet on the 3rd of November. The board felt that since it was election night perhaps another meeting would be better attended. The board decided to change their regular meeting from November 3 to November 10th in order to accommodate the hearing and to insure a vote by the meeting of November 17th.

The Board adjourned at 10:20 P.M.

Clerk

Date

Christine Joyce
Recording Secty.
cmjW11-(294)

Portion 2C:

Portion 2C of Parcel 2 is the site where a public parking lot was proposed previously. It could remain in private condominium ownership under an option agreement similar to the one for Portion 2B under which the Town could assume ownership when and if the Town wishes to build the parking lot, or it could be deeded to the Town at the same time as Portion 2A.

Parcel 1:

Portion 1A:

Portion 1A of Parcel 1 would remain in private condominium ownership.

Portion 1B:

Portion 1B of Parcel 1 contains the reserve leaching area. This portion would be subject to the same arrangement as Portion 2B of Parcel 2.

Note:

Dividing lines between Portions 2A and 2B, 2B and 2C, and 1A and 1B are approximate only.

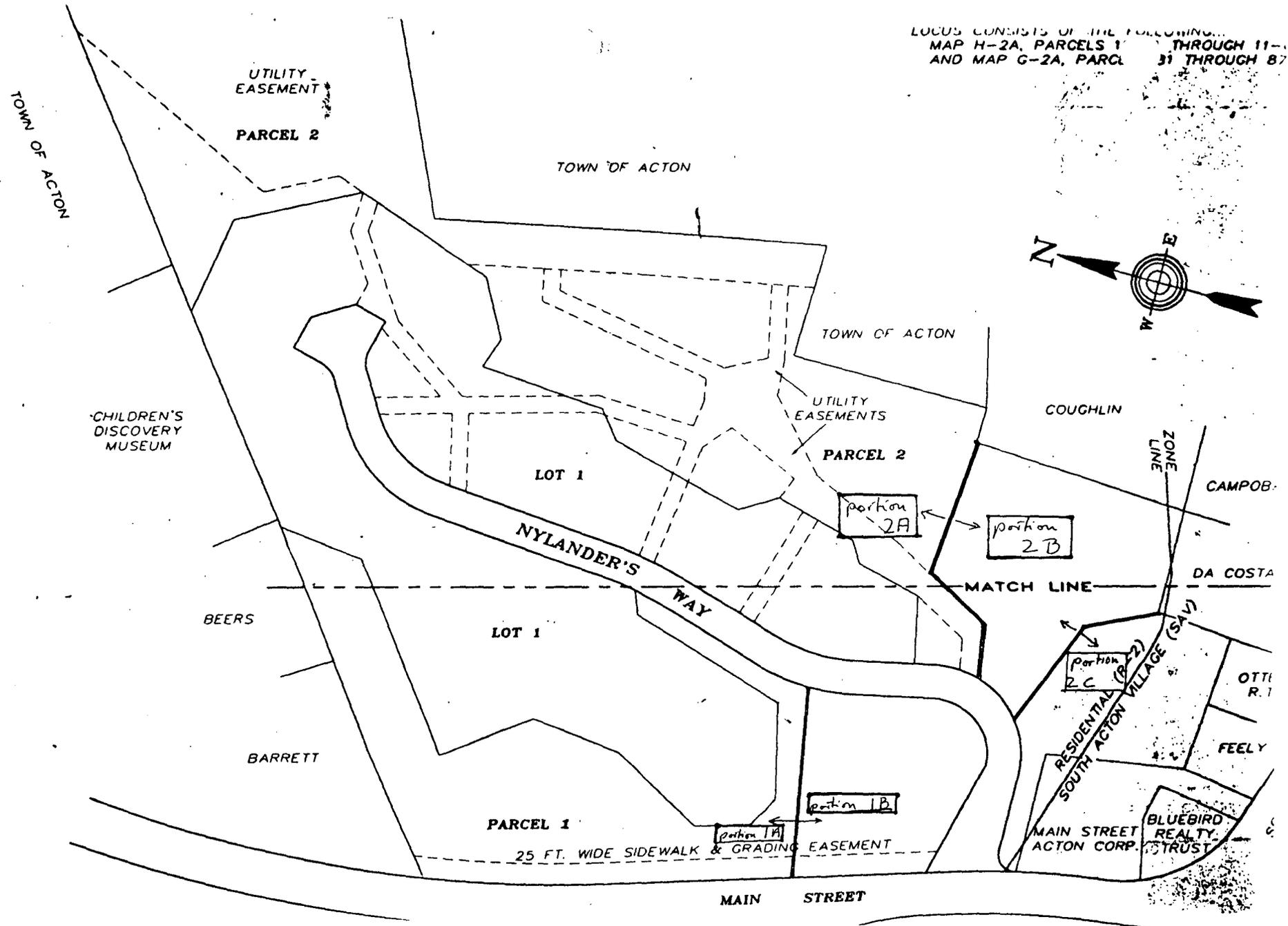
We believe that this division would work well for the Town. Please let us know if you would support this scenario and any other recommendations you may have so that we can consider them during the review of the PCRC application.

Thank You.


for the Planning Board

[RHB.IDC.92*10]

LOCUS CONSISTS OF THE FOLLOWING:
MAP H-2A, PARCELS 1 THROUGH 11-
AND MAP G-2A, PARCELS 31 THROUGH 87





MASSACHUSETTS
BOARD OF APPEALS

RECEIVED & FILED

DATE September 30, 1992

Barbara Brown
for TOWN CLERK, ACTON

Selectman

Decision on the Petition of Anita L. Rogers for the Douglas School

Decision #92-10

A public hearing of the Board of Appeals was held in the Town Hall on Monday, July 10, 1992 at 7:45p.m., Room 126, Acton, Massachusetts on the petition of Anita L. Rogers for the Douglas School, 21 Elm Street, for a Flood Plain Special Permit in accordance with the requirements of § 4.1.8 of the Zoning Bylaw to allow alterations to an existing playground for the purpose of improving drainage, safety and accessibility

Board members present were Matt Mleziva, Chairman; Stephen Crockett, Acting Clerk; and Janet Clark, Alternate Member; and Valerie Sippelle, Board of Appeals Secretary. Also present were Garry Rhodes, Building Commissioner; Anita L. Rogers, Petitioner for the Douglas School; Susie Green; Walter and Doris Pizzani; John Lukas, Jr.; and Mary Beth Coliam.

Mr. Mleziva read the petition, noted the file contents, read a letter submitted by an abutter opposed to the Petition under certain circumstances, and read Inter-Departmental Communications written by Roland Bartl, Town Planner; Doug Halley, Health Director; and Dennis Ring, Engineering Assistant.

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

(1) The existing playground is set aside for kindergarten through second graders since it abuts their classrooms and separates them from the third through sixth graders who have a playground on the other side of the school. With limited areas to site the playground and the school's desire to locate the playground adjacent to the kindergarten through second grade classrooms and to separate this playground from the older children, renovating the existing playground appears to be the most viable option.

(2) The existing playground has: poor drainage qualities leaving standing water after each rain storm; topsoil which washes down into the abutting wetlands after each rain storm due to the sloped topography; and limited handicap accessibility. The proposed playground will alleviate these problem issues with: new grading with wood retaining walls; new sand, gravel and an under-drain system; and a new handicap access ramp.

(3) As proposed, the alterations would result in a net increase in the flood storage volume of less than one percent which is well within the limits set forth in § 4.1.8.1 (b). The Town's Engineering Department has, however, suggested that a balanced cut and fill can be readily accomplished so as to achieve a net zero (0) effect on the flood storage volume. As was presented by the Petitioner and confirmed by the Town's Engineering Department, the alterations will have minimal effect on the natural characteristics of the flood plain.

(4) The application requirements set forth in § 4.1.9 (a) through (c) inclusive have been satisfied. § 4.1.9 (d) has not been satisfied as of this time.

(5) There is concern amongst certain abutters that the alterations, once started, will not be completed in a timely fashion.

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

(1) The proposed use and alteration do not conflict with the purposes of § 4 and are in harmony with the purpose and intent of the Bylaw as a whole.

(2) One-hundred (100) percent or more of the natural flood storage volume of the flood plain on the site can be preserved without the use of compensatory storage techniques and disturbance of the natural characteristics of the flood plain on the site can be kept to a minimum.

(3) New "floors" are not being added. Therefore, § 4.1.8.1 (c) and §4.1.8.1 (d) are not applicable to this Petition.

(4) The new handicap access ramp does not connect a street to any building, including garages. Therefore, § 4.1.8.1 (e) is not applicable to this Petition.

(5) All new constructions and alterations, including but not limiting to; retaining walls, playground equipment, handicap access ramps, surface- and under-drain systems, can be designed and constructed with flood resistant materials, anchored to prevent flotation or lateral movement and to avoid impairment during a base flood, as applicable.

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

(7) There is no evidence that the use or the altering of the playground, as proposed, would cause any detriment or injury to the neighborhood in which it is located. In fact, one could argue that certain benefits will arise since the altered playground will eliminate the washing of topsoil into the abutting wetlands.

(8) The use is obviously appropriate for the site in question.

(9) As proposed, the use complies, or can be made to comply, with all applicable requirements of the Bylaw.

Based upon the findings and conclusions, the Board voted unanimously to GRANT the request for the Special Permit with the following conditions:

(1) The alterations to the playground shall be completed in their entirety within a reasonable time from the date the work is started.

(2) The engineering designs and the construction of such designs shall: result in a net zero (0) effect on the natural flood storage volume of the flood plain on the site without the use of compensatory storage techniques; and the disturbance to the natural characteristics of the flood plain shall be kept to a minimum.

(3) The "as-built" or "record" plan requirements set forth in § 4.1.9.1 shall be performed to the satisfaction of the Town's Building Commissioner. The "as-built" or "record" plan shall highlight any deviations from the engineering designs and contain a note certifying, stating or declaring that the construction work: results in a net zero (0) effect on the natural flood storage volume of the flood plain on the site without the use of compensatory storage techniques; and the disturbance to the natural characteristics of the flood plain has been kept to a minimum.

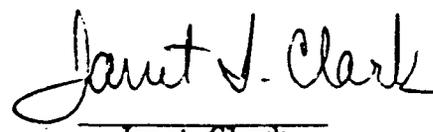
(4) The engineering requirements set forth in § 4.1.9 (d) shall be performed to the satisfaction of the Town's Building Commissioner. The engineered elements include, but are not limited to: retaining walls, playground equipment, handicap access ramps, surface- and under-drain systems.

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

TOWN OF ACTON
BOARD OF APPEALS


Matt Mieziva
Chairman


Stephen Crockett
Acting Clerk


Janet Clark
Alternate Member

I certify that copies of this decision have been filed with the Acton Town Clerk and Planning Board on 9/30, 1992.


Valerie Sippelle
Secretary - Board of Appeals



MASSACHUSETTS

BOARD OF APPEALS

DECISION ON THE PETITION OF CML GROUP, INC

RECEIVED & FILED

DATE October 1, 1992

Barbara Brown
for TOWN CLERK, ACTON / 1992

Decision #92-12

A public hearing of the Board of Appeals was held in Town Hall, Room 126, Acton, MA on Monday July 20, 1992 at 8:15 p.m. on the petition of CML Group, Inc., 524 Main Street, by John E. Dunphy, Jr. of Acton Survey and Engineering, for an extension of existing variances granted in 1983 and further to allow a reduction in width of a maneuvering aisle from 24 feet to 20 feet and a reduction in the number of total parking spaces provided from 38 to 24 by use of "reserve parking", and a petition for a Special Permit from the Zoning Bylaw, Section 8.2.3, to allow an extension in area of nonconforming use by CML Group, Inc. at 524 Main Street, Acton.

Board members present were Matt Mleziva, Chairman; Stephen Crockett, Alternate Member; Janet Clark, Alternate Member; and Valerie Sipprelle, Board of Appeals Secretary. Also present were Garry Rhodes, Building Commissioner; John E. Dunphy, Jr., agent for the Petitioner; and Doris and George Robinson.

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

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

- 1) The existing building on the site, although used as corporate offices, has been designed as a private home.
- 2) The site is bordered on the North and West boundaries by residential districts. The lot is long and narrow, is served by a drive thru an adjacent lot, and is traversed by Conant Brook.
- 3) The 1991 Zoning Bylaw change caused this building to become non-conforming.
- 4) The petitioner, due to an increase in business, desires to add room to the building for four additional staff and to add six additional parking spaces.
- 5) The petitioner wishes to match the existing building design with the addition and to match the existing parking area design with the additional parking spaces. The Variance and Special Permit requests are required to proceed.
- 6) According to the Building Commissioner, there have been no problems with the reduced parking.
- 7) There were no objections to the request from any of the Town Boards nor from any of the abutters.
- 8) The petitioner's requests are consistent with the Town of Acton's Master Plan, in that they are designed to minimize traffic and preserve open space.

9) The petitioner's agent stated that if CML Group, Inc. were not allowed to expand their current building to accommodate the increase in staff, they would have to move their corporate headquarters to another location.

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

1) Owing to circumstances involving the shape and topography of this lot, and especially affecting this lot, but not affecting generally the zoning district in which the lot is located, a literal enforcement of this Bylaw would involve substantial financial hardship for CML Group, Inc.

2) Desirable relief may be granted without substantial detriment to the public good and without nullifying or substantially derogating from the intent or purpose of this Bylaw.

3) Both the Variance and Special Permit requests are consistent with the Master Plan.

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

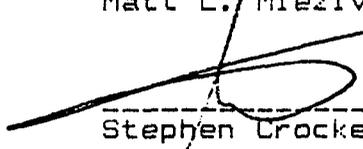
Based upon the above findings and conclusions, the Board of Appeals voted unanimously to GRANT the requested Variances for the driveway and parking spaces and to GRANT the requested Special Permit for the building expansion.

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

Town of Acton Board of Appeals



Matt L. Mleziva, Chairman

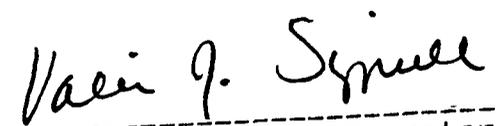


Stephen Crockett, Alternate Member



Janet Clark, Alternate Member

I certify that copies of this decision have been filed with the Acton Town Clerk and Planning Board on October 1, 1992



Valerie Sippelle, Secretary
Board of Appeals

CC: BOS

September 25, 1992

Dear Steering Committee Member:

Steering Committee Members present at the most recent coalition meeting voted to seek the opinions of all Steering Committee Members concerning the following question: Should the Suburban Coalition take a formal position on the issue(s) of school reform? (See: Steering Committee Meeting Minutes of September 10, 1992, Item #4). This brief letter was prepared to whet your appetite regarding your position on school reform or some particular part of the school reform debate. The enclosed "laundry list" of recommendations has been gleaned from the Massachusetts Business Alliance for Education (MBAE) report "Every Child A Winner!" and the MASC analysis of Governor Bill Weld's education reform proposals. The ideas presented provide a starting point for your analysis. Other reform ideas can be found in the Legislative proposal currently under study. You may want to keep all of these proposals in mind as you consider the question of "our" involvement in this issue.

Please, review the information and then provide your input. Forward your suggestions, ideas, and comments to me (C/O Rockport Public Schools, Jerden's Lane, Rockport, MA 01966). I will collate the information received and will report the findings at the Steering Committee Meeting in October. Your opinion is Important!!!

Thank you.

Respectfully for the
Steering Committee



Charles E. Martin Jr.

MBAE MANAGEMENT RECOMMENDATIONS

OVERVIEW

LEAD RECOMMENDATIONS

1. STATE GOALS AND INDICATORS

- New outcome based goals for state
 - Local goals including long and short term objectives
 - Regular measurement of state and local goal attainment
 - Rewards and penalties attached to school performance
- a. Monetary awards to teachers and schools for high performance
 - b. Increased technical assistance for low performance
 - c. Continued "low performance" results in "educationally bankrupt"
 1. Students allowed to transfer
 2. Principal replaced
 3. Faculty members relinquish tenure rights
 4. Added pay increment for new teachers +
 - d. Special commission sets standards, rewards and penalties

2. PRE-SCHOOL EDUCATION FOR ALL 3 and 4 YEAR OLDS

- a. All 3 and 4 year olds be provided the option of attending a pre-school program
- b. Funding provided for disadvantaged children
- c. Non-disadvantaged children pay sliding tuition scale
- d. SBAB funding to provide additional needed space

3. EXTENDED SCHOOL TIME

- a. Modify daily schedule and/or yearly calendar, phased in over 4 year period
- b. Budget provides funds for low income students
- c. Eventual schedule to approximate countries which are principal economic competitors

4. SCHOOL-BASED MANAGEMENT

- a. State sets organizational guidelines
- b. Schools required to adopt in 3 years, sooner if 2/3 of faculty approves
- c. Principals should have central authority in hiring, firing and transfer of teachers
- d. Teachers should have meaningful role in school budget and policy matters

5. IMPROVE TEACHER WORKFORCE

- a. 2.5% of salary budget for professional development
- b. Peer evaluation and review
- c. Liberalize alternative certification
- d. Establish goals for minority recruitment
- e. School committee only involved in hiring superintendent - no other personnel involvement
- f. Superintendent has final authority on all appointments and firings
- g. Principal has primary role in hiring and firing teachers
- h. School committee member or superintendent not permitted to have relatives working in district
- i. Principals ineligible for union membership
- j. Tenure reform
 1. More practical and less punishing to remove incompetents
 2. All dismissal decisions by superintendent and/or principal may be reviewed only by 3 member panel, appointed by commissioner. (Teacher appt. by union, admin. appt. by MASS, lay person with arbitration experience)
 3. Process replaces school committee review, arbitration and court review in current tenure law
 4. Panel decisions subject to court review in accord with Administrative Services Act

6. COMMISSION ON REGULATORY RELIEF

- a. Reconsider all education-related regulations
- b. Redirect oversight to outcomes
- c. Current over-regulated, not cost effective

7. RESTRUCTURE DEPARTMENT OF EDUCATION

- a. 2 major divisions - compliance and tech. assistance
- b. Create a new innovation center

OTHER RECOMMENDATIONS

1. Attract and retain better teachers
2. Support mentor teacher and help with masters attainment
3. Comprehensive personnel evaluation system in each school
4. Individualized plans for teacher professional growth
5. 2.5% of teacher time on growth/renewal activities
6. One month extra pay for 1/3 of teachers
7. Fund Lucretia Crocker, Horace Mann, Prof. Dev. Schools, Carnegie
8. Supports differentiated staffing and career ladders
9. Integration of social services
10. Advocate for every child
11. Residential education for at-risk youth
12. Technology council created
13. Business community assistance
14. Regulated school choice

June 9, 1992

TO: All School Committee Members and Superintendents

FROM: Paul H. Gorden, Executive Director

SUBJECT: Governor Weld's Education Reform Proposal

JUN - 9 1992

On June 2, 1992 Governor Weld announced his proposal for legislation entitled "Reforming Public Education." The actual language consists of 143 pages and the following will summarize the major issues. As it relates to school committees, the bill would remove them from all hiring, firing, and dismissals below the level of superintendent, in addition to the other changes referred to in this summary.

BOARD OF EDUCATION

By January 1, 1993 the Board shall promulgate content standards in core subjects (mathematics, science, history and social science, and English) and occupational categories in vocational-technical education. It may also promulgate standards in other subjects. The curriculum framework shall include a community service component for all students.

STUDENT ASSESSMENTS

Assessments are designed to provide accountability and promote excellence.

- Board to create assessment instruments by 1993-1994 school year and reviewed every two years thereafter.
- Designed to assess knowledge of Core Subjects, which are mathematics, science, history and social science, and English.
- Multiple methods of assessment to be used, as developed by the Board.
- Assessments shall be administered at grade 10 and at least two other grades as determined by the Board which shall publish results of statewide assessments within six months of administration.

CERTIFICATE OF INITIAL MASTERY (C.I.M.)

The C.I.M. will ensure proficiency in core subjects. It will be developed by the Board for the 1996-1997 school year. The C.I.M. will be based upon assessment of performance in tenth grade.

- No high school diploma will be granted without the attainment of a C.I.M.
- School districts shall create remedial plan for students who fail the C.I.M.

CERTIFICATE OF ADVANCED MASTERY (C.A.M.)

The C.A.M. is designed to measure exemplary performance. It will be awarded for passing at least two Advanced Placement tests, or demonstrated excellence in areas not reflected by the state assessment instruments, such as artistic achievement which shall be determined by individual school districts within guidelines established by the Board.

CERTIFICATES OF OCCUPATIONAL PROFICIENCY

Board shall develop guidelines for occupational programs.

By Jan. 1, 1994, guidelines for at least six occupational fields shall be established by the Board. These guidelines will establish the standards for a certificate of occupational proficiency. Successful completion of the occupational program shall result in attainment of the certificate.

ADVANCED PLACEMENT GRANT PROGRAM

This program is developed to extend academic opportunity to all students.

Two grant programs established: (1) for districts for reimbursement of application fees for the advanced placement test for low income students; and (2) for districts to establish advanced placement courses.

HIGH ACHIEVEMENT INCENTIVE GRANT PROGRAM

This program is designed to reward academic excellence and encourage improvement. This criteria for grants to *school districts* shall be developed by the Board including: (1) \$500 for every student in a district who scores at least a "3" on two or more Advanced Placement exams; (2) Incentive awards for marked decrease in dropout rates; and (3) Incentive awards for high achievement or marked improvement in assessment programs.

SUPERINTENDENT POWERS

Several current laws are amended to make the superintendent responsible for various duties presently the responsibility of school committees. Committees may promulgate regulations and guidelines to enable the superintendent to perform certain functions. The committee shall make reasonable rules and regulations for the management of public schools and for conducting the business of the committee.

CERTIFICATION AND PROFESSIONAL DEVELOPMENT

The Commissioner grants teaching certificates (full and provisional). *Provisional* certificates are granted for three years and renewed once. *Full* certificates are granted for five years and may be renewed for additional five-year terms.

The following provisions are effective September 1, 1993: (1) Existing certification is eliminated. (2) Teachers shall be assessed on subject matter when first applying for certification. Assessments are used to develop statewide, district, and individual professional development programs. Educators must fulfill professional development plan to be recertified. Failure to do so precludes an applicant from obtaining full certification or from being recertified. (3) No person can be employed as a teacher without a certificate directly related to the subject matter that he/she teaches.

EDUCATIONALLY DEFICIENT AND EDUCATIONALLY BANKRUPT SCHOOLS

The Commissioner shall, not less than annually, assess school districts. The Commissioner may declare a district "deficient" when a school or school district has not met its goals for improvement or the standards for performance.

The principals/superintendents of "deficient schools/districts shall submit remedial plans including improvement indicators approved by the Commissioner. The term for the remedial plan shall be established by the Commissioner, and shall not exceed three years.

The Board of Education may declare school/district "bankrupt" if it fails to implement remedial plan or a municipality has failed to meet its fiscal responsibility as specified in Chapter 70 of this Act for two consecutive years.

If the board votes that a school is "bankrupt" for failing to meet its academic responsibility, the superintendent and the principal are immediately removed and the powers of the school committee are filled by the Commissioner.

If the Board votes that the school is "bankrupt" for failing to meet its fiscal responsibility, the Commissioner may file an action in Superior Court to compel the community to meet its fiscal responsibility.

FOUNDATION EDUCATION AID

Provides equity in the way public schools are financed. State support for education is redefined as is the standard for local effort.

Repeals the existing Chapter 70 funding formula and replaces it with a "foundation budget" for each community. The foundation formula is driven by the number of pupils and therefore will fluctuate from year to year in accordance with enrollment. (1st year: \$5058 per student.) Every community is evaluated individually and will have a separate foundation budget.

In addition, the formula calculates a "standard of local effort." The property wealth of a community is determined and then adjusted by that city or town's per capita income. A community's ability to pay is then compared to its need ("standard of local effort" compared to "foundation budget"), and the difference is provided by the state.

State funds are increased gradually over this five year period as is the community's standard of local support. The state commitment of new dollars in the first year is \$200 million. This amount increases in the fifth year to a cumulative state contribution of \$3.2 billion when adjusted for inflation (lesser of 4 percent or CPI). In the fifth year, all communities will be fully funded to their foundation budget.

SCHOOL DISTRICTS AND SCHOOL COMMITTEES

Establishes municipal responsibility to educate children and to establish school districts within the following guidelines: (1) By September 1, 1995 every school district must include grades K-12; (2) By September 1, 1995 every school district must have a rolling three year average enrollment of 500 students in its secondary program (based upon student population as of October 1 for the three years prior to 1995).

School committees must (1) establish system-wide goals and policies and assessments of those goals; (2) hire and fire superintendent; (3) establish performance guidelines and annually review superintendent; (4) set budget guidelines for superintendent; (5) establish regulations for graduation including attainment of the C.I.M. and C.A.M.; (6) establish guidelines concerning student attendance and racial imbalance; and (7) serve as the employer of record.

Anyone who is employed by a school district is prohibited from being a member of a school committee.

Stabilization Fund

A school district may establish a stabilization fund if a majority of the school committee votes to do so. The fund may not exceed 1 percent of the total appropriated budget. The district may transfer, by June 30, any unencumbered funds from annual appropriation. An annual report must be filed on fund activity. The fund may be appropriated after a 2/3 vote of the school committee for the following purposes: (1) Capital improvement or rehabilitation of school/athletic facility; (2) the purchase of technology; or (3) the purchase of library books or other such materials.

Superintendents

The superintendents shall develop standards and indicators to measure improvement. They shall develop a budget for the district which must receive school committee approval. A superintendent may offer individual contracts up to six years in term to assistant/associate superintendents, school business officials, directors, and other managers.

School unions may not be maintained after January 1, 1995.

The principals are hired and fired by the superintendent. After three consecutive one-year contracts the superintendent may offer a principal a four to six year contract. The principals who will not be rehired must receive a six months' written notice from the superintendent.

The principals are the managers of the school subject to the direction of the superintendent and regulation of the school committee. The principals shall have the opportunity to hire and fire school personnel including teachers, after consultation with the superintendent. The principals are authorized to hire assistant principals under the same terms. The principal shall establish indicators to ascertain school improvement and personnel performance in consultation with the SGCs.

The superintendents and principals may not employ their relatives or family members of a mayor, city council member, selectman, school committee member, school governance council members. Failure to abide by this shall result in immediate dismissal of the employee and a \$10,000 fine for the hiring party.

SCHOOL GOVERNANCE COUNCILS (SGC)—DEFINITIONS

SGC's will be created September 1, 1993, for every school. The principal shall submit plan for SGC's by January 1, 1993. The councils shall consist of principal, teachers, parents of students, a nonvoting student in good academic standing, and other staff or business persons pursuant to principal's plan. The principal shall be the chairperson of the SGC. Members shall serve without compensation.

School Governance Councils (SGCs) shall review and report on goals of improvement plan twice a year. They shall establish attendance policies; interview and recommend to principal teacher candidates, (provided principal is ultimately responsible for staff decisions); adopt and publish rules and regulations concerning student conduct, including discipline, suspension or expulsion, building security and safety; and recruit volunteers and parents to help in school.

SCHOOL GOVERNANCE COUNCILS—ELECTION

SGC members shall be chosen by at least 25 parents or parents from at least 10% of all households in district. The principal shall prepare list of eligible parents and will act as chair of council. The selection of a teacher/student shall be done in manner prescribed by superintendent.

PARENTAL CONFERENCES

Parent has right to at least two conferences per year with the student's teacher.

The failure of a parent or parents to attend conferences may be noted on child's academic record.

CHARTER SCHOOLS-DEFINITION AND GOALS

Authorizes the creation of charter schools to provide competitive alternatives to existing public schools.

Applications accepted by Commissioner by Feb. 15 each year. The Commissioner will review and forward applications to Board within 30 days. The Board has final approval.

No charter schools prior to September 1, 1993. Charter schools can not discriminate, but can specialize for certain age groups or subjects. Students from any city/town may attend charter schools at no cost.

A student may withdraw or be expelled from a charter school at any time. The Board of Trustees is responsible for curriculum and personnel including salary. Local schools must grant a leave of absence to teachers wishing to work in charter schools (for at least 2 years).

A second two-year leave of absence may be requested and granted provided that upon its completion the teacher must either return to original position or resign.

Charter schools must have school governance councils.

Charter schools are eligible for state funds, can apply for private grants and must comply with state and federal health/safety regulations.

Charters will be for a five year period and may be revoked by the Board of Education.

SECTION 50: TEACHERS

The principal shall grant rights in accordance with section 51 of this Act (see below) provided that said teacher has served three previous consecutive school years.

Teachers not being granted section 51 rights shall be notified by the principal before June 15th of the third year.

System wide teachers shall be the responsibility of the superintendents.

Teachers without section 51 rights who have been working for more than 90 days shall not be dismissed unless provided, by the principal, with a written explanation and an opportunity to discuss/review such decision.

SECTION 51: TEACHERS—DUE PROCESS RIGHTS

Tenure abolished. Teachers granted section 51 rights may be dismissed for just cause which includes "inefficiency, incompetency, incapacity, conduct unbecoming of a teacher, insubordination, or failure on the part of the teacher to satisfy the principal's reasonable performance standards." Teacher is given a maximum of ten school months, once notified of their failure to meet "reasonable performance standards," to meet such standards. For conduct unbecoming a teacher or insubordination, teachers may be immediately suspended without pay and subject to dismissal procedures.

Any collective bargaining position that limits the principal's ability to dismiss a teacher in the above fashion is considered null and void, unless said agreement has not yet expired on the effective date of this Act. Such provisions shall be null and void when these contracts expire.

Teachers with section 51 rights shall be given a written statement from the principal of the reasons for dismissal. Teacher may request a review of said decision and present information to the principal and have a review, if necessary, with the Commissioner.

If the teacher seeks to grieve a decision through collective bargaining, above reviews shall not be granted.

After collective bargaining agreements in existence on the effective date of this Act expire, the only process to grieve a dismissal decision is through a review to the principal and the Commissioner and the following arbitration procedure.

Arbitration Process

Commissioner submits the names of three arbitrators to teacher and superintendent within 10 days. Arbitrator names will come from an impartial list unanimously agreed to by the Commissioner, the president of the Massachusetts Association of School Superintendents, and the president of a state's teacher's union. Teacher/superintendent can each strike one name from the three person list and the remaining arbitrator will conduct the review.

Arbitrator is selected within ten days and will commence review within 30 days, and conclude 45 days after review has commenced. Teacher and superintendent may be represented by legal counsel, present evidence and call witnesses.

Grounds for Reversal

The decision may only be overturned by the arbitrator if: patronage or other unlawful practice took place; teacher did not engage in the misconduct he was accused of; school district did not follow proper procedures; the principal's performance standards were not reasonable; or standards were applied in a biased manner. The arbitrator's decision may be appealed to the Superior Court.

Workforce Reductions and Seniority

A superintendent may dismiss teachers due to reductions in force or reorganizations outside the above provisions. Teachers without section 51 rights must be dismissed prior to teachers with section 51 rights in the event of reductions in force or reorganizations if the teacher with section 51 rights is certified and qualified to fill the position as demonstrated by successful teaching performance in the area within two years.

No teacher covered by section 51 shall be dismissed pursuant to a reduction in force or reorganization and replaced by a more senior teacher with section 51 rights in accordance with the terms of a collective bargaining agreement unless the more senior teacher is certified and qualified to fill the position as demonstrated by successful teaching performance in the area within two years. Any collective bargaining provision that attempts to limit the provisions of this section shall be considered null and void.

ASSIGNMENT AND PROMOTION OF TEACHERS

Assignment and promotions are considered managerial privileges and any collective bargaining agreement that attempts to limit this privilege shall be considered null and void.

SUSPENSION

Suspensions for more than 10 days shall be covered by section 50 and section 51. Suspensions for 10 days or less shall be within the discretion of the principal of superintendent provided that the teacher is given an opportunity to be heard.

CONFLICT OF INTEREST

Any person responsible for evaluating teacher performance or educational programs may not join or belong to a union that has for its members any persons he oversees.

SPECIAL EDUCATION

Requires special ed. students to receive an education "free and appropriate" to a child with special needs in the least restrictive environment.

VOCATIONAL-TECHNICAL EDUCATION

Redefines vocational-technical education to include the same definition used by the federal Perkins program.

Requires superintendents of vocational-technical schools to submit to the Commissioner a master plan which must include plans for work based learning, which shall provide students with the opportunity to obtain a certificate of initial mastery, a certificate of occupational proficiency and a certificate of advanced mastery.

Beginning in the 1994-1995 school year, vocational-technical schools cannot offer adult education courses for public education credit. Adult-educational programs shall be the responsibility of the community colleges. Beginning in the 1994-1995 school year, vocational-technical schools may offer part-time classes at no cost to the commonwealth or to the municipalities which are members of the school district.

COLLECTIVE BARGAINING

Adds associate superintendents, assistant superintendents, school principals, school business administrators, and special education administrators to those employees excluded from collective bargaining.

Collective Bargaining Agreements

All collective bargaining agreements negotiated by the school committee must be submitted to the local appropriating authority for approval.

PRE-SCHOOL PROGRAMS

Requires the Secretary of Education to report and file results on existing preschool programs; social service programs funded by state and federal sources; and ways to improve delivery of service by January 1, 1993. Implementation plan must be filed with Governor and legislature.

Similar provisions are stipulated for adult education.

INSTRUCTIONAL HOURS

Requires that by September 1, 1997, instructional hours are increased to 990 hours for grades 1-6 and 1,080 hours for grades 7-12.

Requires that by September 1, 2001, instructional hours are increased to 1,080 hours for grades 1-6 and 1,200 hours for grade 7-12.

PRINCIPALS

All principals will be considered to have provisional certification only upon passage of this Act. The principals who are currently certified are not grandfathered and must meet all new certification requirements.

NO HEARING DATE HAS BEEN ESTABLISHED, AND WILL NOT BE SET UNTIL SOMETIME DURING THIS WEEK.

CC: BOS - FYI

PALMER & DODGE

One Beacon Street
Boston, Massachusetts 02108

SEP 29 1992

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

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

September 25, 1992

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

Dear Roland: (Zoning Articles)

I assume the article dealing with the reconstruction of a non-conforming multifamily use is intended to address the issues I wrote about to the Building Commissioner on April 27 and May 14. I, therefore, assume that the purpose is to allow continuation of the non-conforming use. Because the by-law distinguishes between non-conforming uses and non-conforming buildings or structures, I suggest the following changes in § 8.7.1:

§ 8.7 Special Permit to Reconstruct Nonconforming Multifamily Dwelling - The Planning Board may authorize by special permit the reconstruction or rebuilding of a Multi-family Dwelling, as defined in Section 3.3.4, which is non-conforming as to use, lot size or other applicable dimensional requirements, when such building is destroyed by fire or natural disaster, or by voluntary demolition ..., etc.

The addition of the word "rebuilding" is probably unnecessary but it is used in § 8.3.4, and I think it better to use the same words where the idea is the same. The second change is more important and is meant to clarify what I have assumed is the intended meaning. The point is that a building may be "non-conforming" in any of the enumerated ways, although I am not sure to what extent the Board has considered the question of a non-conforming lot size.

In this connection, I think it would be desirable to add the phrase "to the extent possible" at the end of the first sentence of § 8.7.1 (see present § 8.3.4). I think that flexibility is inherent in the second sentence of § 8.7.1, but the additional phrase clarifies and confirms that intent.

Finally, there is a procedural issue that should be considered. Section 8.7.2 says that a special permit request must be filed within one year "from the date of the issuance of a demolition permit." I understand the reason for the time limit, but an owner will certainly want to be certain he has a § 8.7 permit before he demolishes the building. I suppose no harm is done by requiring him to apply for and obtain a demolition permit first, but you may want to add the phrase "before or within one year from the date of issuance of a demolition permit."

Finally, I think the summary should be revised to change the phrase "had to be demolished" to "or if the owner wishes to demolish and replace the existing building."

The sign by-law article makes sense in light of the Town's experience and raises no drafting issues.

Very truly yours,



Acheson H. Callaghan

AHC/dcb

cc: Don Johnson



CC: BOS

• TEL. (508) 263-0011

292 GREAT ROAD • ACTON, MA. 01720

REALTOR

September 17, 1992

John Murray
Town of Acton
472 Main Street
Acton, MA 01720

SEP 18 1992

Re: Your letter of September 14, 1992

Dear John,

As you recall, the occupancy date agreement is conditioned by the loan limit of the bank. At the present time, we have sold 31 units and have poured the Senior Center foundation. Also, Eric is preparing the building permit. Additional funds will become available as more homes sell. We will proceed as quickly as possible within those constraints.

At this time, our best guess for occupancy remains December 31, 1992, assuming we can get the pavement complete prior to a solid frost. Otherwise, occupancy would be pushed to March-April.

We intend to do everything we can to expedite the construction within the financial constraints.

Yours truly,

A handwritten signature in cursive script, appearing to read "Roy C. Smith".

Roy C. Smith
President

RCS/jws

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

Don P. Johnson
Town Manager

FILE COPY

September 14, 1992

Mr. Roy Smith
292 Great Road
Acton, MA 01720

Dear Roy:

As you are aware, our agreement requires occupancy by December 31, 1992 and the construction season is coming to a close. Therefore, the town would appreciate a written update on the status of the Senior Center.

Thank you for your time and consideration.

Very truly yours,


John Murray
Assistant Town Manager

cc:file



**MASSACHUSETTS
BAY
TRANSPORTATION
AUTHORITY**

Planning and Budget
Ten Park Plaza, Boston, MA 02116

September 24, 1992

~~The Honorable Nancy Tavernier
Chairman, Board of Selectmen
Town Hall
472 Main St.
Acton, MA 01720~~

Dear Ms. Tavernier:

As you may have heard, the MBTA will soon begin construction of a retaining wall adjacent to the Commuter Rail track in Waltham. Residents in the area had expressed concern that erosion along the right-of-way could affect the condition of both neighboring homes and the railroad track. The new retaining wall will halt the erosion, ensuring safe and reliable service to commuters along the Fitchburg Line.

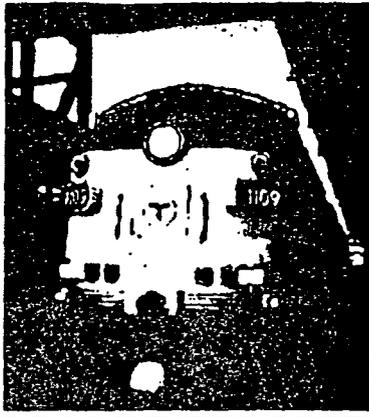
Work is expected to take approximately three months. To ensure the least amount of inconvenience to riders, the construction has been scheduled for weekdays, between 9:00 am and 3:45 pm, when ridership along the line is at its lowest figure. Since there is only a single track in this area, it will be necessary to reroute passengers on these daytime trips. Passengers will be bused between Waltham Station and a location near the former Beaverbrook Station where they will board a train for Boston. No stops will be missed.

Passengers who normally board a train at Waltham Station will continue to go to Waltham Station where they will board the connecting bus. MBTA Inspectors will be present to ensure that the process goes smoothly.

I have attached a preliminary copy of the flyer which is being given to riders on the line with full details of the trains which will be affected by this work. If you need additional information, please contact me at (617)722-5876.

Sincerely,

William B. Vernon
Director, Intergovernmental Relations



COMMUTER RAIL CUSTOMER SERVICE INFORMATION

TO OUR FITCHBURG LINE PASSENGERS

**T Project To Build Retaining Wall in Waltham Begins September 28th
Mid-Day & Weekend Trains Will Be Affected**

Beginning Monday, September 28, 1992 and continuing for approximately three months, passengers on both inbound and outbound mid-day Fitchburg line trains — and some Saturday trains — will be transported around the construction by bus between Waltham station and the former Beaverbrook Station, about 1/2 mile from Waltham Center. The former station has been temporarily fixed to accommodate this service.

This busing will enable the T to construct a retaining wall adjacent to the track in Waltham. This retaining wall will stabilize some land which abuts the railroad and has been eroding in recent years. The project will halt the erosion, ensuring continued safe, reliable service.

The following trains will be affected:

WEEKDAYS

INBOUND

9:25 a.m. from South Acton
10:29 a.m. from Fitchburg
11:24 a.m. from Fitchburg
1:05 p.m. from Fitchburg

OUTBOUND

9:20 a.m. to Fitchburg
11:20 a.m. to Fitchburg
1:20 p.m. to Fitchburg
3:00 p.m. to South Acton

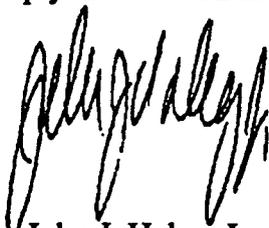
SATURDAYS

9:20 a.m. from Fitchburg
11:15 a.m. from Fitchburg
2:20 p.m. from South Acton
2:45 p.m. from Fitchburg

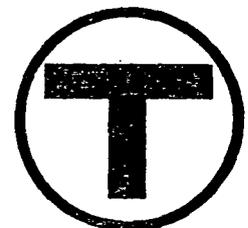
11:20 a.m. to Fitchburg
1:20 a.m. to South Acton
3:30 p.m. to Fitchburg
4:30 p.m. to South Acton

All other trains will run as they normally scheduled.

We appreciate your patience and continued patronage during this important project. We will keep you informed as the work progresses. Thank you for taking the T's Commuter Rail service.


John J. Haley, Jr.
General Manager

For additional information on
routes and schedules,
please call the MBTA's Customer Service Center at
(617) 722-3200 or (TDD) (617) 722-5146.



Report urges new emergency system

Sep 27, 1991

By Jerry Taylor
GLOBE STAFF

The lawyer who investigated the bungled response to Kathleen Dempsey's stabbing death Aug. 23 at her Lexington home focused on dispatchers at Lexington Fire Department headquarters, who handle calls made to 862-0270, the number for fire and medical emergencies in the town.

"The single most corrosive element is the failure of the Fire Department's leadership to recognize that dispatching is an integral part of effective firefighting, and that dispatchers require training, attention and respect commensurate with their important role," said the lawyer, Ralph Gants of Palmer & Dodge, a former federal prosecutor in Boston, in his 36-page report to the selectmen.

Chief among his recommendations was a call for creation of a combined police-fire dispatching center in the police station. Town Manager Richard White, who has advocated such a move for years, pledged to have it in operation by next summer, assuming the 1993 town meeting approves an appropriation of \$150,000, White's estimate of the cost, including replacement of out-of-date radio equipment.

"This incident," White said in an interview, referring to Dempsey's murder, "clearly limits any resistance" to recommended changes "and underscores the need for cooperation."

The selectmen, who each received a copy, accepted Gants' report at their Sept. 21 meeting with no discussion of specifics.

More than half of the 58 members of the Lexington Fire Department attended the meeting, at which Gants read aloud his findings of what happened in the fire station five weeks ago. After the meeting, pt. Richard Sullivan said in an interview: "We've got to review our procedure so this cannot happen ever again. We would like to have responded to that call."

Fire Chief John Bergeron, who

attended the selectmen's meeting, said in an interview the next day at his office:

"The report is very comprehensive, balanced, and addresses areas - particularly procedures and supervision - that we can quickly close the gap on. From the supervision aspect alone, combined dispatching is the best solution. In the fire station, there are times when everyone is responding to an alarm and the only one in the station is the dispatcher. That's a critical time. We cannot fill that gap."

Enhanced 911, in which a caller's address automatically appears on the dispatcher's screen, will be available to cities and towns in Massachusetts beginning in late 1993 or early 1994, according to Glenn Roach, director of the Statewide Emergency

Telecommunications Board.

Gants said in his report that Lexington's four full-time and four part-time civilian fire dispatchers had received little formal training, like dispatchers in 15 comparable towns surveyed by an aide to White.

Gants said Lexington's dispatchers considered themselves "second-class citizens" because they were paid much less than firefighters, "rarely consulted" on matters affecting their jobs, and required to find their own replacements whenever they are unable to work.

"A Lexington Fire Department dispatcher generally works alone from 7 p.m. until midnight and in isolation from midnight until 7 a.m.," Gants said.

RECOMMENDATIONS, Page 6

■ RECOMMENDATIONS

Continued from Page 1

His other major recommendations:

■ Dispatchers at the proposed new center should be prohibited from taking no action on any call that might be a request for emergency help without the approval of a superior.

■ All Fire Department dispatchers should get "first responder" training in first aid and cardiopulmonary resuscitation, as required by state law. (Two of the four full-time dispatchers are EMTs, or emergency medical technicians.)

■ All police and fire dispatchers should get immediate training in handling emergency calls from people unable to give an accurate address or telephone number.

■ Police and fire command staffs should develop a training program for all new dispatchers, to include emergency simulations, observation of police officers or firefighters during emergencies, emergency medical dispatch, and testing.

■ Each dispatcher's hearing should be tested periodically.

■ The town should ask New England Telephone to instruct all emergency dispatchers in NET procedures and technical capabilities.

■ In preparation for the new center, police and fire chiefs should designate one person to oversee training of all police and fire dispatchers.

■ Part-time dispatchers should get periodic training. Part-timers who work less than a certain number of shifts in a quarter should be barred until refresher training is completed.

■ Until the new center is opened, the fire chief should meet more often with his dispatchers. Commanding officers should actively supervise fire dispatchers on their shift, reviewing logs, incident reports and tape recordings.

■ In the new center, all emergency calls should be recorded. (Today the Police Department does not record any incoming calls, and the Fire Department records all calls answered from the dispatcher's telephone, even those that do not come in on the emergency line, Gants said.)

Investigator chronicles events surrounding call

By Jerry Taylor
GLOBE STAFF

LEXINGTON - The five-hour delay in the town's emergency personnel's response to Kathleen Dempsey's fatal stabbing five weeks ago today began with a dispatcher's inability or failure to hear a crucial part of her address - the words "Ridge Road" - and his failure to seek help either from someone else in the fire station or from the New England Telephone operator who assisted the dying woman in making the call for help.

These are among the findings by Ralph Gants, a lawyer with Palmer & Dodge, the town's law firm, who investigated what happened in the Lexington Fire Department headquarters after Dempsey, a 31-year-old graphic artist, reached the town's number for fire and medical emergencies, 862-0270, at 5:30 a.m. Aug. 23.

Her body was found about 5½ hours later in her yellow bungalow 1½ miles away.

Gants, a former federal prosecutor, urged Lexington's town manager, Richard White, to fire the dispatcher, Kenneth Robishaw, 24, a full-time paramedic with a private ambulance service who had worked intermittently as a Lexington fire dispatcher since 1987. He also urged White to take disciplinary action against Fire Capt. Robert Walton, a 24-year veteran and the commanding officer on duty when the call came in. White set hearings during the week of Oct. 19.

The following are excerpts of Gants' report to the Lexington Board of Selectmen:

"The telephone rang three times before it was answered by Robishaw, the part-time dispatcher who had been on duty since 5 p.m. the previous night.

EXCERPTS, Page 6

Investigator chronicles event

■ EXCERPTS

Continued from Page 1

"Once Robishaw picked up the telephone, one woman in a strong, clear voice told another to go ahead. The dispatcher announced himself as Lexington Fire Emergency. Another woman, much weaker and apparently gasping desperately for breath, blurted out her address - '14 Ridge Road, Lexington' - but the words 'Ridge Road' were barely audible. She then informed the dispatcher that she had been attacked. The dispatcher sought to calm the woman, saying, 'Ma'am, Ma'am,' but got no further answer except heaving gasps of breath.

"The woman with the strong voice asked the dispatcher if he had gotten the address, and the dispatcher told her he did not. She told him that the woman had been stabbed, and to wait a minute. The clicking of computer keys could be heard in the background as the dispatcher kept repeating 'Ma'am, Ma'am' without any answer. The dispatcher then hung up the telephone. The entire telephone call, as recorded on the Fire Department's JEI tape system, lasted roughly 42 seconds. The three rings that preceded the call lasted roughly 10 seconds.

"Robishaw was alone in the office. Indeed, he was the only person on the first floor of the firehouse. The firefighters, including the commanding officer, Capt. Robert Walton, were upstairs.

"In my interview with Robishaw, he stated that he was sitting on the toilet in [an adjoining] bathroom when the call came in. As he listened to the call, he believed it was from a woman who had been stabbed, but did not hear any address given by the caller. After he hung up, he played the tape of the conversation

between three and five times, but could only hear the words '14' and 'Lexington,' not the street name.

"Although the woman with the strong voice never identified herself, he inferred that she was a telephone operator. He waited for the operator to call him back with the telephone number and address of the caller. After about 10 minutes, having received no call from the operator, the possibility occurred to him that the call was not a genuine cry for help and that the person who appeared to be the operator was not. However, he still believed that it was far more probable that the call was real, and insists that he would certainly have sent an ambulance and notified the police if he had been able to obtain an address," Gants said.

"Robishaw did not call upstairs to his commanding officer or any other firefighter to notify them of the call and seek assistance. He did not telephone the Police Department to inform them of the call. He did not call New England Telephone and seek to locate the operator who assisted in this call, or her supervisor. He simply wrote in the log: 'Note 0270 Line, c 05:30 caller reported being stabbed or attacked - no address given & hung up.'

"When asked why he did not seek the assistance of his commanding officer of a firefighter, he stated that, since he could not make out the address, he did not see how anyone else could have. When asked why he did not telephone the Police Department, he stated that such a call would have been useless without an address. When asked why he did not telephone the operator, he stated that he did not think of doing that, believing that the operator would have called him if she had informa-

tion regarding the caller's telephone number or address.

"Capt. Walton was the first firefighter to come downstairs, between 6 and 6:30 a.m. According to Walton, he went to the kitchen and made coffee. Robishaw told Capt. Walton that Firefighter Timothy Flaherty was out sick on a family emergency. Robishaw returned to the fire alarm office. Capt. Walton said he walked into the office to find a replacement for Flaherty.

"Robishaw mentioned that he had received a prank or joke call. Robishaw smiled, shook his head and pushed a button to play for him a recording. Walton insists he heard only unintelligible noises, Robishaw repeating the word 'Ma'am' several times and, finally, a click. He states that the recording lasted only a matter of seconds. He maintains that the only voice he heard was Robishaw's, not the voice of a woman or a telephone operator.

"Walton recalls saying nothing after hearing the recording. He also stated that he did not review the log entry for this call before being relieved at roughly 7:45 a.m.

"Robishaw states that he played for Walton the entire conversation, including the telephone rings. He denies that he characterized the call as a prank or a joke. According to Robishaw, Walton shook his head and muttered a few words, in substance, 'people - I'll tell you.' Robishaw understood that Walton, by his conduct and words, believed the call to be a hoax.

"At roughly 7 a.m. Robishaw was relieved.

"About 10:30 a.m. part-time dispatcher Walter Bullock (who had arrived at 9:30 to relieve the assigned dispatcher) located Dempsey's tele-

S surrounding call

phone call and played it back five or six times in an effort to identify the missing address. He finally made it out to be 14 Ridge Road, and brought it to the attention of the day shift commanding officer, Capt. John Fradette.

"According to Fradette, he asked Bullock to play the recording for him. Fradette said he had not been told the address by Bullock, but could nevertheless make it out as 14 Ridge Road. Capt. Fradette ordered Bullock to call the police, which he did at 10:47 a.m.

"Robishaw's handling of Kathleen Dempsey's desperate call remains both unfathomable and inexcusable. He was not new to the job. He is a certified paramedic by profession and is trained and committed to bringing medical help quickly to people whose lives are at risk. Indeed, just 6½ hours before Kathleen Dempsey's call, he admirably dispatched during the Fire Department's quick and efficient rescue of persons seriously injured in an auto accident.

"He was not impaired in any way in fielding the call. There is no evidence that he had taken any alcohol or controlled substances, or that he has a problem with either. He was certainly not busy with other emergencies.

"In evaluating Capt. Walton's conduct, the central questions are: Did Robishaw play for him all or only a part of the call? Did Walton hear all of only a part of the call?

"It is difficult to believe that Robishaw played for Capt. Walton anything less than the entire conversation, which lasted only 42 seconds. It is inconceivable that Robishaw could have played only these last 10-12

seconds. Had Robishaw wanted to cover up his error, he would have erased the taped conversation by simply recording over it, and he would not have written the log entry that he did.

"It is equally difficult to believe that Capt. Walton could have heard the entire conversation and simply shrugged his shoulders, as he admits he did. The tape is a gripping, haunting plea for help. It is hard to imagine that any person could have listened to it that morning and simply shrugged his shoulders.

"Robishaw contends he did not preface his playing of the recording by characterizing it as a hoax or a joke. Capt. Walton said that he did. I find that Walton's memory is more credible on this point.

"According to Chief John Bergeron, when he questioned Robishaw on Aug. 24 about the incident, Robishaw told him he had received a 'crank call' and that fire dispatchers received a lot of crank calls. He said he had told Capt. Walton it was a crank call and played it back for him. In view of this statement and Robishaw's willingness to believe that the call was not real because the operator had not called him back, it is more likely than not that Robishaw, before he played the tape for Walton, characterized it as a crank, hoax or joke call.

"Perhaps Capt. Walton did not even focus on the call until the last 10 seconds. If he had discussed this purported hoax call with Robishaw for even a moment or simply looked at the log, he would have learned enough about this call to justify far closer examination. It should have been clear to him that the final 10-12 seconds did not constitute the entirety of that conversation," Gants' report said.

MMA Action



JOHN - PLS. FOLLOW-UP.

CC: BOS.

COORD COMM.

7/10/2

SEP 29 1992

SENATE MEETS WEDNESDAY:

UNIONS APPLYING HEAVY PRESSURE TO OVERRIDE GOVERNOR'S VETO OF SECTION 367, "THE MARA BILL"

CALL SENATORS TODAY: OPPOSE OVERRIDE ATTEMPT

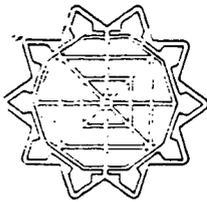
The Senate will be in full formal session Wednesday, September 30. It is likely that there will be an attempt to take up an override of the Governor's veto of Section 367 of the FY'93 budget, the so-called "Mara Bill." There is heavy union pressure to override the Governor's veto.

It is crucial that Senators hear from local officials on this issue.

Please contact your senator, Senator Patricia McGovern's office 722-1481, and Senate President Bulger's office 722-1500 and tell them:

- Oppose any effort to override the Governor's veto of Section 367.
- While the proponents state the bill is a local option provision, it is actually a mandate on all municipalities entering into agreements with health carriers and reaching agreements with unions.
- The language reinstates mandated equal dollar contributions.
- Municipal health care woes will be made worse, not helped by Section 367.
- A similar bill sits in third reading in the House. MMA is willing to work with the proponents of the bill, and union and retiree representatives to achieve a consensus. All parties should craft a strong solution, not add to the problem.
- The state's Group Insurance Commission and the retiree's association also oppose Section 367.

Enclosed is a summary of MMA concerns regarding Section 367. Please contact Marie Johnson or David Baier if you have any questions or get feedback from your calls to senators. Thanks!



**Massachusetts
Municipal
Association**

Sixty Temple Place

(800) 882-1498

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

**MMA CONCERNS WITH SECTION 367,
THE SO-CALLED "MARA BILL"**

LOCAL ACCEPTANCE:

HUGE PROBLEM

The proponents of Section 367 state that it is a local option provision. IT IS NOT! Section 367 applies to any municipality that has entered into contracts with health carriers and reached agreement with unions regarding health coverage. No affirmative action or vote by the selectmen, mayor, town meeting or city council is required to accept the terms of this section. Any municipality entering into agreements with unions and health care providers might be deemed to have accepted the bill. Thus, the language can be interpreted to mandate the provisions on all municipalities.

RETURN TO EQUAL DOLLAR CONTRIBUTION:

MANDATED

The language reinstates mandated equal dollar contributions if a primary carrier (indemnity insurance) is offered, and it also eliminates the minimum 10% HMO employee contribution for those municipalities offering a primary carrier. A return to equal dollar contributions will once again exacerbate the problem of adverse selection and increase the phenomenon of double dipping.

INDEMNITY INSURANCE:

NOT CLARIFIED

The proponents state that their aim is to make it clear that municipalities do not have to offer indemnity insurance. However, there is no explicit language stating that indemnity insurance is not required.

ANTI-ROLLBACK AMENDMENT:

REINSTATED

Section 367 does not permit any changes in any aspect of health coverage except where agreed to in a union contract. This requirement has been interpreted by our legal experts as a return to the anti-rollback amendment. The legislature repealed this restrictive provision in the spring of 1991.

SUPERCEDEENCE OF EXISTING CONTRACTS:

NOT CLEAR

The language does not include a provision that any agreement reached pursuant to this new section would supercede existing public collective bargaining agreements. The language does not address issues of prior practice and conditions of employment. Because these issues are not addressed, it is anticipated that if the section were enacted into law, there would be numerous lawsuits seeking to interpret the language.

PROPOSAL DOES NOT REFLECT REALITY:

DOESN'T HELP

A number of municipalities have been cancelled by Blue Cross Blue Shield. In some of these communities, the employer has worked together with unions and reached agreement on employer-employee contribution shares for health care of 80%-20% respectively, or similar shares in the cost. Such arrangements would not be allowed under the requirements of Section 367, because higher employer contributions would be required.

Section 367 does not recognize innovations. Municipalities are a leading force in developing innovations in the provision of health care coverage. This language does not recognize health and welfare trust funds as an option for health coverage, nor does it recognize self-insured trusts as an alternative. Additionally, the definition of health carrier does not include third-party administrators that are not health carriers. All of these alternatives should be recognized in the language.

**A SIMILAR BILL SITS IN THIRD READING IN THE HOUSE:
LET'S WORK TOGETHER ON CONSENSUS LANGUAGE!**

A version of the Mara bill, H. 5671 is on the House calendar in third reading. MMA is eager to work with the proponents of the bill and union and retiree representatives to achieve a consensus. The language needs to be clarified, it must be clear that it is a local option provision, the onerous mandates must be removed, and the language must be cleaned up. Section 367 is rife with ambiguities, and we anticipate that if passed, the legislation will be tied up in the courts for years, and will create even greater problems for municipal employers and employees trying to work together to contain health care costs.

SEP 30 1992

PALMER & DODGE

One Beacon Street
Boston, Massachusetts 02108

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

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

September 24, 1992

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

Dear Don:

I enclose our bill for services through August 31, 1992.

If you have any questions, please let me know.

Very truly yours,



Acheson H. Callaghan

AHC/dcb

Enclosure

7/10/2

CC: BOS }
ASSESSING DEPT. } COVER & 2 PAGE SUMMARY
BLDG. DEPT. }

10/1/92

CHRIS - PLS. PREPARE FOR PAYMENT.



September 24, 1992

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

PALMER & DODGE

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

FEDERAL ID NUMBER 04-2170788

PLEASE RETURN THIS COPY WITH YOUR
PAYMENT TO ENSURE PROPER CREDIT

For professional services through August 31, 1992, as follows:

General Town Matters

Research and advice concerning duties with respect to lead paint;	\$ 725.00
Preparation and review of title documents for High Street easement;	325.00
Advice on public bidding law issues; and miscellaneous other matters as shown on the enclosed summary;	575.00

Litigation and Related Matters

Services in connection with Appellate Tax Board matters;	1,500.00
Services in collective bargaining matters;	325.00
Conferences regarding deposition in Farm Hill subdivision and zoning appeal;	200.00
Services in connection with Coughlin lien;	375.00
Revision and filing of complaint in <u>Acton v. Rose of Sharon</u> ;	525.00
Services in connection with settlement of LMI special permit litigation.	<u>75.00</u>

TOTAL SERVICES \$ 4,625.00

EXPENSES INCURRED BUT NOT POSTED PRIOR
TO THE BILLING DATE WILL APPEAR ON A
SUBSEQUENT STATEMENT.

DUE AND PAYABLE WITHIN THIRTY DAYS

DISBURSEMENTS:

Duplication	\$ 23.20
Express Delivery	13.00
Official Fees (High Street)	135.00
Official Fees (Wagner)	185.00
Telecopier	100.00
Telephone	18.10
Title & Title Insurance	<u>35.00</u>

TOTAL DISBURSEMENTS 509.30

AMOUNT DUE \$ 5,134.30

RIEMER & BRAUNSTEIN

COUNSELLORS AT LAW

THREE CENTER PLAZA

BOSTON, MASSACHUSETTS 02108

(617) 523-9000

TELECOPIER (617) 723-6831

CC: R. WETHERBY
WATER DIST.
BOS

✓
10/2

September 24, 1992

CERTIFIED MAIL/RETURN
RECEIPT REQUESTED

Office of Selectmen
Town of Acton
472 Main Street
Acton, Massachusetts 01720

Re: BayBank, a Massachusetts trust company formerly known as BayBank Middlesex, successor to BayBank Newton-Waltham Trust Company vs. Charles R. Benz, et al.
Case Number 173984

Dear Sir/Madam:

Enclosed please find a copy of the Mortgagee's Notice of Sale of Real Estate with respect to the mortgaged premises located at 4 Woodchester Drive, Acton, Middlesex County, Massachusetts. This foreclosure proceeding is brought by BayBank, a Massachusetts trust company formerly known as BayBank Middlesex, successor to BayBank Newton-Waltham Trust Company (the "Bank") pursuant to a mortgage granted by Charles R. Benz and Susan B. Benz to BayBank Newton-Waltham Trust Company, dated May 1, 1978, recorded with the Middlesex County (Southern District) Registry of Deeds at Book 13432, Page 488. As indicated in the Notice, the Bank has scheduled a public auction foreclosure sale for 12:00 P.M. on October 8, 1992 on the mortgaged premises.

Very truly yours,

David A. Ephraim

David A. Ephraim

DAE:LAM
Enclosure
ser.5
cc: Ms. Virginia Browder

MORTGAGEE'S NOTICE OF SALE OF REAL ESTATE

By virtue and in execution of the Power of Sale contained in a certain Mortgage (the "Mortgage") given by Charles R. Benz and Susan B. Benz to BayBank Newton-Waltham Trust Company predecessor to BayBank Middlesex now known as BayBank, a Massachusetts Trust Company (the "Mortgagee"), dated May 1, 1978 and recorded with the Middlesex County (Southern District) Registry of Deeds at Book 13432, Page 488, of which Mortgage the undersigned is the present holder, for breach of the conditions of said Mortgage and for the purpose of foreclosing, the same will be sold at public auction commencing at 12:00 P.M. on the 8th day of October, 1992 upon the mortgaged premises (the "Mortgaged Premises"), being all and singular the premises described in said Mortgage, to wit:

A certain parcel of land with the buildings thereon situated in Acton, Middlesex County, Massachusetts, being shown as Lot 94 on a plan entitled "Revised Plan of Colonial Acres, West Acton, Mass. (Section 1)" dated May 15, 1961, by Everett M. Brooks, Civil Engineers, recorded Middlesex South District Registry of Deeds in Book 9832, Page End, being bounded and described as follows:

NORTHEASTERLY:	By the line of Woodchester Drive as shown on said plan, 64.59 feet;
NORTHERLY:	By the line of Woodchester Drive as shown on said plan by two courses measuring 69.69 feet and 106.68 feet, respectively;
SOUTHWESTERLY:	By Lot 93 as shown on said plan, 216.27 feet; and
SOUTHEASTERLY:	By Lots 89 and 88 as shown on said plan, 196.00 feet.

Containing 24,067 square feet according to said plan.

Conveyed together with the right to use the streets and ways as shown on said plan for all purposes for which streets and ways are commonly used in the Town of Acton in common with others entitled thereto.

For our title see deed to us from L. & S. Builder's Corp., dated April 28, 1978 and recorded as the prior instrument hereto.

The premises are known as Lot #94 Woodchester Drive and numbered as 4 Woodchester Drive, Acton, Massachusetts.

The premises are to be sold subject to the following, if any, having priority over the Mortgage: all easements, restrictions, building and zoning laws, unpaid taxes, tax titles, water bills, municipal liens and assessments, rights of tenants and parties in possession, existing encumbrances, and all other claims in the nature of liens, now existing or hereafter arising. The premises

are also sold subject to the right of redemption of the United States of America, if any there be.

TERMS OF SALE: A deposit of TEN THOUSAND DOLLARS (\$10,000.00) shall be required to be made to the mortgagee in cash, by certified check or by bank cashier's check at the time and place of sale. The balance of the purchase price is to be paid to the mortgagee in cash, by certified check or by bank cashier's check in or within thirty (30) days from the date of the sale, with time being of the essence.

Other terms, if any, to be announced at the sale.

BayBank, a Massachusetts trust company formerly known as BayBank Middlesex, successor to BayBank Newton-Waltham Trust Company Present Holder of said Mortgage,

By Its Attorneys,

Riemer & Braunstein

David A. Ephraim *1/4/92*
David A. Ephraim
Three Center Plaza
Boston, Massachusetts 02108
(617) 523-9000
September 3, 1992

TO THE BOARD OF SELECTMEN, TOWN OF ACTON

Loss of parking facilities in front of the Woman's Club which also houses meetings of the Garden Club would have a negative effect on our future membership which, it should be noted, provides major planting and garden maintenance to the Town of Acton as well as an annual \$1,000 scholarship to the High School. We strongly urge you to vote against such a proposal.

Marilyn G. Porter
ACTON GARDEN CLUB

TO THE BOARD OF SELECTMEN, TOWN OF ACTON

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Janet Babier
ACTON GARDEN CLUB

We desperately need Handicapped parking facilities

TO THE BOARD OF SELECTMEN, TOWN OF ACTON

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Janet Fox Dexter
ACTON GARDEN CLUB

24 Pope Rd.

Acton, Mass.

01720

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Elsie B. Ellis

ACTON GARDEN CLUB

The Acton Center Woman's Club has a long history as a town meeting place - it's a tradition. Main Street is one of the widest streets in town. Please consider the value of this meeting place to the community & let's not have another private interest group situation.

TO THE BOARD OF SELECTMEN, TOWN OF ACTON

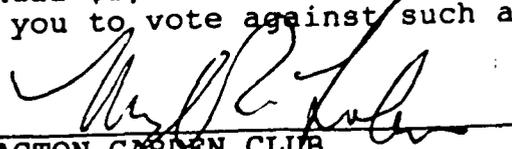
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Margaret W. Garrison

ACTON GARDEN CLUB

10 Wengate Lane

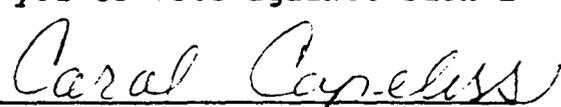
Loss of parking facilities in front of the [redacted] which also houses meetings of the Garden Club would have a negative effect on our future membership which, it should be noted, provides major planting and garden maintenance to the Town of Acton as well as an annual \$1,000 scholarship to the High School. We strongly urge you to vote against such a proposal.


ACTON GARDEN CLUB

5

TO THE BOARD OF SELECTMEN, TOWN OF ACTON

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ACTON GARDEN CLUB

5

BOS, Don



Minuteman Advisory Group on Interlocal Coordination

Acton
Boxborough
Carlisle
Concord
Hudson



Littleton
Marlborough
Maynard
Stow
Sudbury

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

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

MEETING NOTES

(For list of participants, see attached.)

September 10, 1992

Before the meeting, MAGIC members went on a guided tour of Fort Devens, ably led by Dick Howe of the Devens Transition Office, with added commentary by Brett Doney, staff to the Joint Boards of Selectmen of the four Devens towns. Participants found the tour to be informative and interesting.

With a number of new people on board, the official meeting began with introductions. Paul Smith circulated a memo providing railroad background information. On MOTION, it was

VOTED to approve the July 9, 1992 minutes as written.

Fort Devens Reuse Forum

The group expressed its appreciation for the Ft. Devens bus tour. Donna Jacobs outlined the agenda for the forum and distributed a mock-up of the brochure. It is hoped that Jamy Buchanan, who will be representing EOEA/MEPA, will explain what is meant for Devens to be defined as a "major and complicated project" and how the cumulative effects of individual projects will be evaluated. Don MacIver of the Mass. Association of Conservation Commissions urged that ASERT be on the panel to balance MAC. Anne Fanton recommended deferring to Donna and the subcommittee on finalizing the agenda; Dick Downey agreed, noting that the forum was not intended as a debate. On MOTION, it was

VOTED to give Donna authority to determine the agenda.

Dick and Carmine Gentile volunteered to sort and prioritize the questions to the panel at the forum.

Ft. Devens CAC

Donna reported that MAGIC has requested a seat on the Ft. Devens Citizens' Advisory Committee (CAC). Since noone volunteered to serve, Donna will forward a name as a "place-keeper," in hopes that a more permanent candidate will be inspired by the forum to step forward.

Support for MAGIC

Once again, MAGIC is asking each community to contribute to the group's activities. With local budget discussions imminent, fall seems the appropriate time to promote these contributions locally. Hence, Judy Alland

prepared a public relations piece for each representative to bring back to his or her community. Members should discuss the matter with their boards this month and bring back a preliminary indication at the October meeting.

Miscellaneous

Dick Downey and John Pavan agreed to review the MAGIC by-laws and recommend appropriate revisions. Anne distributed Acton's letter to the MBTA regarding double-tracking and the Littleton lot; she credits MAPC and MAGIC with helping to get the lot into the TIP. Donna noted that the Hudson Retail Facility SEIR is available for review; the group confirmed that, because the facility had previously been approved, it should not be subject to MAGIC's DRI process.

The HOME Program

Judy Alland described the HOME Program, a new source of housing funds created under the National Affordable Housing Act of 1990. MAGIC communities, non-profits, and for profit developers are encouraged to apply to the state's Executive Office of Communities and Development by the October 8 deadline. Funds can be used for rental or homeownership, with preference for rehab over new construction. Strict federal regulations define program parameters. More funding is expected in the future. Al Lima noted that many of the program restrictions make it difficult to use the funds.

Housing Activities in MAGIC

Judy Alland reviewed MetroPlan 2000's Housing Element. That report outlines the region's housing need and market conditions, describes the causes of housing problems, and sets out a course of action to ensure adequate affordable housing to meet the region's current and future needs.

The group talked briefly about some of the options for housing activities in MAGIC, working from a list of possibilities and a survey form prepared by MAPC. Judy Walpole suggested a meeting of housing partnerships, housing authorities, and other housing actors. The group agreed to complete a survey of regional housing resources, plans, and tools, adding a question asking whether communities would attend an information exchange session on housing; members will return the survey to Judy Alland before the next MAGIC meeting.

MAGIC might also wish to seek input into housing program and policy design, since existing programs often fail to meet local needs. The group might also approach local lenders to encourage efforts to meet local and subregional credit needs. Jeffrey Betterini also raised the issue of bank-held property and affordable housing.

Next Meeting

The next meeting will take place on October 8, 1992, with a tentative location in Sudbury.

MAGIC ATTENDANCE

DATE: September 10, 1992

<u>NAME</u>	<u>ADDRESS</u> (Please print legibly)	<u>AFFILIATION & PHONE</u>
Anne Fanton	43 Fort Pond Road Acton, 01720	Selectman (508) 263-4989
John Pavan	235 Brown Bear Circle Acton, MA 01718	Planning Board (508) 264-4370
Dick Downey	21 Howard Road Maynard, MA 01754	Selectmen (508) 897-8871
Bob Gilligan	166 Summer Street Maynard, MA 01754	Selectman (508) 897-4653
Paul E. Smith, Jr.	189 Whitcomb Avenue Littleton, MA 01460	The Selectmen's Representative (508) 486-4592
Alfred J. Lima	133 Keyes Road Concord, MA 01742	(508) 371-6260
Phyllis W. Hughes	250 Acton Street Carlisle, MA 01741	Planning Board (508) 369-6625
Jeffrey Betterini	220 Swanson Road #610 Boxborough, MA 01719	Planning Board (508) 635-0240
Gail B. Jewell	27 Seymour Street Concord, MA 01742	Planning Board (508) 369-5048
Rosemary Marini	42 Church Street Hudson, MA 01749	Planning Board (508) 562-2507
Judy Walpole	58 Allen Farm Lane Concord, MA 01742	Selectman (508) 369-7581
Carmine Gentile	33 Surrey Lane Sudbury, MA 01776	Planning Board (508) 820-7777
Andrew Potter	P.O. Box 35 Bolton, MA	Rep. Walrath (508) 779-5570
Donald MacIver	43 Foster Street Littleton, MA 01460	Mass. Association of Conservation Commissions (508) 952-2706
Donna Jacobs	456 Gleasondale Road Stow, MA 01775	Stow Planning Board (508) 562-6725
Judith C. Alland	MAPC	Staff Coordinator (617) 451-2770

JA/emt
(housing-attends)

cc: BOS

OCT - 9 1992

Oct. 7, 1992

ANNUAL MEETING

Agenda

**Thursday, October 15, 1992
3:30 PM**

**Wayland Town Building
School Comm. Room
2nd floor**

- | | |
|--|------|
| 1. Minutes of Sept. 10, 1992 Steering Committee meeting. | WGZ |
| 2. Report of Exec.Dir./Treas. | JBW |
| 3. Report of Nominating Comm./Election of officers. | LG |
| 4. Education reform | CM |
| 5. Suburban/Rural Legislative caucus. | FLeB |
| 6. Initial review - 1993 Position paper. | All |
| 7. Old/New Business. | All |
| 8. Next meeting. | All |

Note: State Senator Cile Hicks will make every effort to join this meeting at 4:30 PM to discuss item 5 above and to comment briefly on current local aid issues.

If you are unable to attend this meeting, please call:

Frank LeBart 617 934 7411
 or
 Jack Wilson 508 358 2489

cc: BOS

COMMONWEALTH OF MASSACHUSETTS
COMMUNITY ANTENNA TELEVISION COMMISSION

In Re)	
)	Docket No. R-21
Cable Television)	
Disclosure by Community Access)	September 28, 1992
Entities)	

NOTICE OF INQUIRY

A. Introduction

1. Access programming can be managed (1) directly by the municipality, (2) by the cable operator through its local origination staff, or (3) by a non-profit corporation, trust or similar entity established for the purpose of receiving funds from the operator and spending them for access programming. In this Notice of Inquiry, the term "non-profit corporation" shall be used to refer to any entity created pursuant to the third management model.

2. Franchise agreements typically require the cable operator to make annual payments to the municipality, a segregated account or a non-profit corporation to fund access programming for the community.

3. Over \$10 million are spent annually by cable television operators in the Commonwealth to fund local programming.

4. Currently, non-profit corporations in the Commonwealth are required to file an "annual report" with the Office of the Secretary of State and the Office of the Attorney General. In addition, each one must file an annual financial statement with the Office of the Attorney General. Non-profit corporations are required by statute and by the regulations of the Attorney General to retain records to substantiate their financial statements for three (3) years. Although these records must be made available for inspection by the Attorney General, there is no requirement that they be made available for inspection by the public.

5. Although the annual reports and the financial statements are available for public inspection, they contain few details which would alert the public to the purpose for which funds are

used and whether or not there are instances of inappropriate self-dealing.

6. When access programming is managed either by the municipality or by the operator, no filings are required because no non-profit corporation is established.

7. To guard against potential abuses in a system which is created by local governments and cable television operators through their franchise agreements and which is underwritten by all cable television subscribers, the Commission is considering whether or not to promulgate regulations regarding the information available to the public concerning non-profit access programming corporations and other entities which fulfill this function.

B. Possible solutions

8. Informal discussions during the past several months have revealed the following possible solutions to this problem:

a) no further regulation; allow the non-profit corporations and other access entities to continue operating as they do currently.

b) promulgate a regulation which would require that all access entities (whether non-profit corporations or personnel managed directly by the municipality or operator) annually file a report with the Commission and/or the issuing authority. This report would contain a budget including projected income and expense statements, a balance sheet and an operational plan describing anticipated capital expenses and service contracts. If an access entity were to deviate from its plan as outlined either in the identification of a service contractor or in a manner which would result in a material aggregate differential, an amendment to the report would be required. This report and any amendments thereto would be available for public inspection.

c) promulgate a regulation that would require that the documents retained to back up the financial statements of a non-profit corporation be made available for public inspection.

d) promulgate a regulation that would require the issuing authority to conduct one performance hearing a year which would be attended by the access entity. The hearing would be open to the public who would be

invited to question the access entity on any matter relating to the expenditure of access funding or operation of the access entity.

C. Advantages and Disadvantages

9. Each possible solution has potential advantages and disadvantages. The remainder of this Notice of Inquiry will address each possible solution and will attempt to point out some of the relative merits of each one. Your comments on these options are requested.

a. No Regulations?

i. Advantages

10. There are currently regulations which require disclosure and are a check on self-dealing. Further regulations could be burdensome. The problem of reported abuses is not widespread.

ii. Disadvantages

11. There have been complaints of abuses due to the lack of accountability and public scrutiny of non-profit corporations and access entities. A substantial amount of money is at stake on a state-wide basis. The revenue contributed to each non-profit corporation or access entity is a matter which is negotiated between the issuing authority and the cable operator during the initial licensing or at the time of renewal. The money is supposed to benefit the cable subscribers of the particular city or town in question and the subscribers have a right to know that the funds are being used for appropriate purposes.

b. Require a Disclosure Report?

i. Advantages

12. By requiring that particular information be disclosed by non-profit corporations and access programming entities, the public could be alerted to potential abuses of authority. The more information available to the public, the more conscientious these groups are likely to be about spending funds appropriately and avoiding conflicts of interest.

ii. Disadvantages

13. There are currently disclosure regulations which apply to non-profit corporations. Regulations requiring these entities to file additional reports could be burdensome. The problem with

reported abuses is not widespread. Filing more paper may not be an effective way to monitor the actions of the access entities. It would be difficult to develop a form which would address all the areas in which abuses could occur for each particular entity.

c. Require Public Access to Records?

i. Advantages

14. Requiring access to documents required by statute to be retained by the non-profit corporation would create no additional paper work. The documents available for public inspection would be in the form used by the non-profit corporation; therefore there would be no opportunity for avoiding particular matters by cleverly answering questions on a standard form. The information would be more entity specific.

ii. Disadvantages

15. The privacy of the non-profit corporation may be impaired if it is required to make the documentation to back up its financial statements available to the public. In addition, when the access entity receives a disclosure request, it could take a substantial amount of time and effort for the access entity to organize the information. Because this information is supporting only financial data, it would not provide sufficient notice to the public of all potential abuses. The statutory rules about non-profit corporations are not applicable to the access entities which are managed directly by the municipality or by the operator.

d. Annual Performance Hearings?

i. Advantages

16. This solution would not require additional paperwork on the part of the nonprofit corporation or access entity. It might be the most entity specific solution in that the community would be able to address whatever issues it has with the operator; the community would not be relying on a prepared form.

ii. Disadvantages

17. An annual performance hearing could add to the bureaucracy surrounding the license. The community would have the burden of determining what questions to ask the non-profit or access entity. If the correct questions are not asked, the public may remain unaware of possible abuses.

D. Conclusion

18. This Notice of Inquiry has attempted to identify some of the issues surrounding possible disclosure requirements for non-profit corporations and other entities which are funded by cable system operators to provide access programming. Some of the possible solutions could be used in conjunction with others. It is not intended that this Notice be a comprehensive examination of those issues but rather that it elicit comments, suggestions and alternative proposals. Please submit all such comments, suggestions and alternative proposals to the Commission, Attention: Sally E. Williamson, General Counsel on or before November 27, 1992. After comments are received and reviewed, the Commission will determine what further action it will take, if any. If a proposed regulation is drafted, the Commission will publish a Notice of Proposed Rulemaking and hold a public hearing pursuant to its regulations.

19. Ex parte contacts in connection with this Notice of Inquiry are prohibited. If, despite this prohibition, any oral ex parte contact occurs, the Commissioner or other employee of the Commission with whom the contact is made shall write a memorandum summarizing the content of the ex parte communication; this memorandum shall become a part of the public record for the Notice of Inquiry. Any written communication received in connection with this Notice of Inquiry shall become a part of the public record even if the party submitting the communication intends for it to be an ex parte communication.

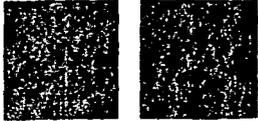
By Order of the Community Antenna
Television Commission


John M. Urban,
Commissioner



CC: BOS

EDWARD A. RUBIN, CLU
Insurance



4 POOR FARM ROAD
P.O. BOX 201
HARVARD, MA 01451
Telephone (508) 456-8456

October 5, 1992

Health Dept.
Town of Acton
Main Street
Acton, MA 01720

OCT - 7 1992

RE: D'Angelo's Sandwich Shop
Rt. 2A Great Road
Acton

I stopped at D'Angelo's yesterday, Sunday, 10/4/92, at 3:30 P.M., with my wife and two daughters, for a quick sandwich. We were treated poorly, to the point of being contemptuous, and the food/health conditions/preparation was so poor, so unacceptable, that we feel the restaurant should be investigated, cited, and possibly have its license suspended or revoked, at least until it is brought up to acceptable standards.

Coincidentally, I stopped there a couple of weeks ago, and was eating at a table near the rest rooms. An employee emerged from the rest room, releasing a cloud of apparently recently smoked cigarette smoke into the eating area. If there is a regulation which limits smoking in a refined area, such a rest room, by employees, it should be enforced.

When we arrived at the restaurant yesterday, it was nearly empty. There were customers eating at only two tables. There was another customer just getting their filled order, at the counter. There were three visible employees. Two were females, one male. All were young. No management person appeared to be among them. For purposes of identification of the females, one was heavier than the other.

The less heavy female took our order. Her uniform appeared to be filthy, with food or something else. Her hat was so filthy that it appeared to have come out of a garbage filled dumpster. Her hair was generally unkempt, not restrained by the hat.

We order three sandwiches. She was not friendly, rather curt instead. She ran her hands across her forehead, as if wiping them, and ran them through her hair, prior to preparing the food. While the sandwiches were being prepared, I noticed that the entire counter at the registers was quite dirty, as if it had not been cleaned in several hours. The food prep area was less than spectacularly clean.

We were asked several times to repeat what we wanted on our sandwiches. She was not paying much attention to detail.

We paid for our food and went to find a (clean) table. Only two tables were occupied. We looked at every other table, smoking and non-smoking, in the restaurant. Every one was filthy. I believe that there were about 20 unoccupied tables. None were clean. None were nearly clean. The chairs and benches were also dirty, and the floor was filthy as well.

In the meantime, three or four customers had come in and were ordering. I was behind them, "yelled" excuse me, indicating that every table was dirty. The person who had served us barked at me that they had been too busy to clean tables. I indicated to her that this was a restaurant, to clean the tables.

There was no comment, no apology. The heavier of the two female employees came out of the kitchen area with a rag and wiped down one table (not the benches), as if asked to work.

We had eaten about one third of the sandwiches, when my older daughter complained about her hamburger, indicating that it may have been raw inside. (The burger had been put on the grill frozen.) Although the burger was so thin, it was difficult to ascertain its degree of cooking, the inside was mushy, indicative of raw meat. We threw away the rest of the food, but I took the remaining burger home, and it is wrapped and currently in my freezer, available for inspection.

Consider this an official complaint, to the full extent of the law. My wife, older daughter, and I are willing to testify before any hearing boards as to our experience. We strongly recommend immediate action against this establishment. Rude behavior aside, the health/cleanliness situation must be addressed.

Sincerely,



Edward A. Rubin

cc: Board of Selectment
Commonwealth of Massachusetts
Food & Drug

EXECUTIVE
OFFICE OF
COMMUNITIES &
DEVELOPMENT

OCT - 7 1992

October 1, 1992



William F. Weld, Governor
A. Paul Cellucci, Lt. Governor
Mary L. Padula, Secretary

~~Ms. Nancy E. Tavernier~~
Chair
Acton Board of Selectmen
Town Hall
472 Main Street
Acton MA 01720

Dear Ms. Tavernier:

Re: Grant Application #: IG-073-92A

We regret to inform you that your grant application for creation of a subregional job bank for job sharing was not one of the 46 Service and Innovation or Capacity Building grants being made in the first round of FY93 funding from the Municipal Incentive Grant Program.

This was an extremely competitive round in which 146 applications were received in three grant categories, requesting a total of \$4.8 million.

We take this opportunity to remind you of the rolling grant application round which starts on October 2, 1992. Applications received will be considered for funding throughout the year as funding is available. Such funds may become available when a project selected for funding is unable to be accomplished or if the project can be accomplished for less money than originally anticipated. You are therefore encouraged to call to discuss the availability of funding from time to time during the year. I encourage you to call the Director of the Municipal Management Bureau, Bob Ebersole, or his staff with any questions you may have about your application and the review process. Please refer to the grant application number above if you submit additional information or call with a question.

Sincerely.

A handwritten signature in black ink, appearing to read "Mary Padula".

Mary Padula
Secretary

cc: Please see the attached list for those receiving copies of this letter.

following people have received copies of the letter for grant application #IG-073-92A received from Acton for Creation of subregional job bank for job sharing.

CC:

Mr. Donald P. Johnson, Town Manager, Acton
Mr. David Birt, Chairman, Boxborough
Mr. Mark W. Haddad, Executive Secretary, Littleton
Mr. Kenneth R. DeMars, Chairman, Maynard
Mr. Richard E. Thompson, Executive Secretary, Sudbury
Ms. Catherine A. Desmond, Administrative Assistant, Stow
Ms. Wanda M. Milik, Chairman, Carlisle
Ms. Judith R. Walpole, Chair, Concord
Representative Pamela Resor, Representative, Boston
Representative Patricia Walrath, Representative, Boston
Representative Geoffrey Hall, Representative, Boston
Representative Nancy Evans, Representative, Boston
Senator Robert Durand, Senator, Boston
Senator Lucile Hicks, Senator, Boston

CC: BOS
R. HOWE, D. ABBT

MASS HIGHWAY

William F. Weld
Governor

Argeo Paul Cellucci
Lieutenant Governor

Richard L. Taylor
Secretary

James J. Kerasiotes
Commissioner

Office of the Commissioner

October 1, 1992

Board of Selectmen
Town of Acton

In an effort to better manage our operations, the Massachusetts Highway Department has consolidated its district offices from eight to five.

Consolidation was first suggested a decade ago in a legislatively commissioned study by Wilbur Smith and Associates. Recently, the Highway Users Federation, a nationally recognized highway advocacy group, has also recommended consolidation after finding that Massachusetts had twice as many districts as states similar in population, vehicle miles travelled, and geography.

We believe that through consolidation we will be able to offer you a higher quality and level of service than you are currently receiving. Improving the quality of service we deliver to the cities and towns has been our guiding principle. We will be pushing responsibility and personnel out of the Boston office and into the local district offices where real day to day problems arise. As a result, duplicative administrative oversight functions that slow projects down will be reduced and equipment will be used more efficiently. Ultimately, district consolidation will result in an increase of services and dramatic savings in dollars. Savings which will allow us to increase our efforts to repair and rebuild our infrastructure while better utilizing taxpayer dollars.

We are planning to attend the Mass Highway Association meeting in Springfield on November 5, 1992, where we will present our consolidation program. In addition, your District Highway Director will be calling you or your highway director personally within the next 30 days to answer any specific questions you have. If for whatever reason you have not been contacted by November 1, please call me directly.

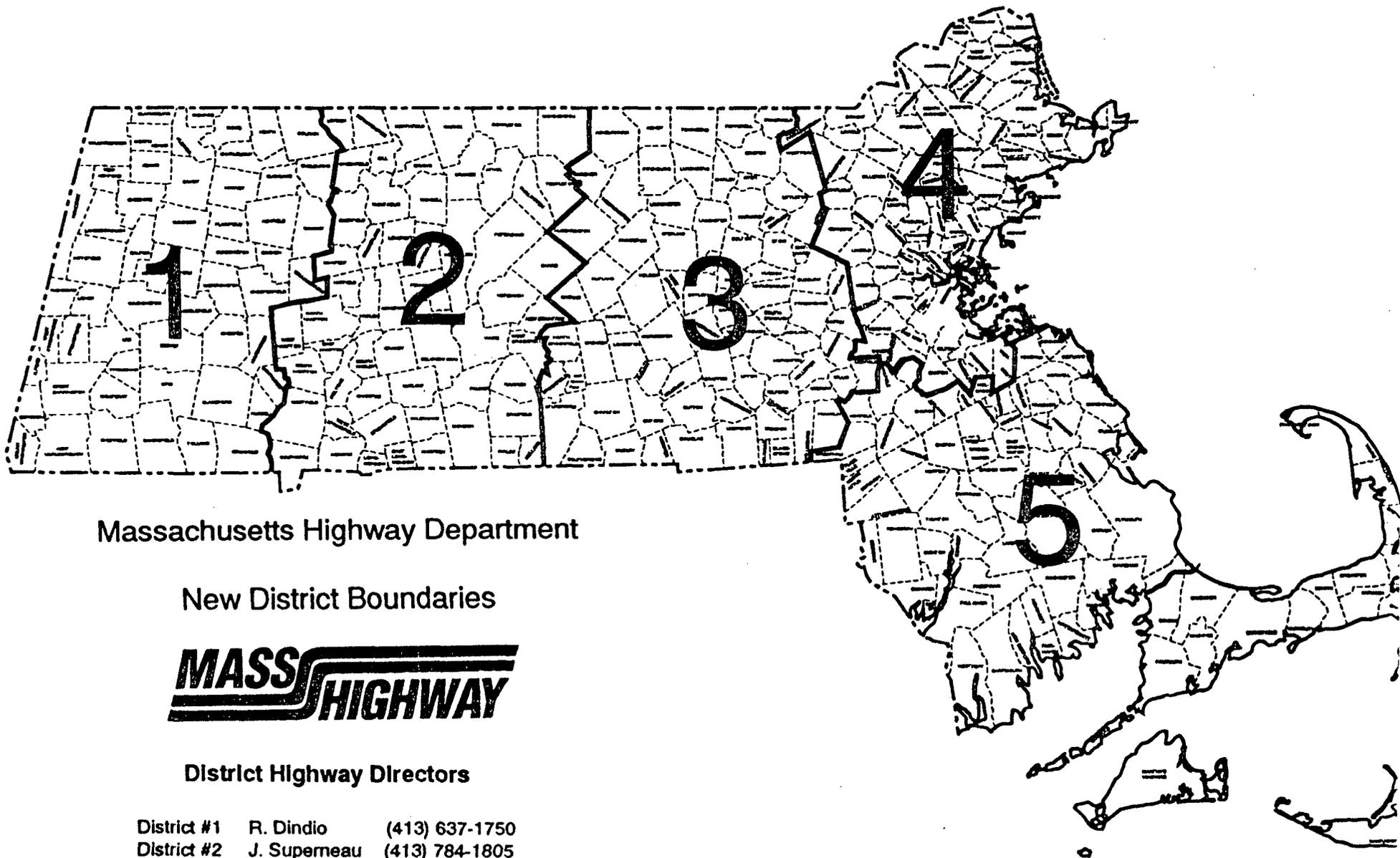
I have enclosed a new district map for your information.

Sincerely,



James J. Kerasiotes
Commissioner

encl.



Massachusetts Highway Department

New District Boundaries



District Highway Directors

- District #1 R. Dindio (413) 637-1750
- District #2 J. Supermeau (413) 784-1805
- District #3 P. Donohue (508) 792-7352
- District #4 A. Salamanca (617) 648-6100
- District #5 B. McCourt (508) 824-6633

Massachusetts Highway Department - Cities and Towns by District

STRICT 1

270 Pittsfield Road, Lenox, MA 02140, (413) 637-1750
Ross Dindio, District Highway Director

Adams	Dalton	Middlefield	Russell
Alford	Egremont	Monroe	Sandisfield
Ashfield	Florida	Monterey	Savoy
Becket	Goshen	Montgomery	Sheffield
Blandford	Granville	Mount Washington	Shelburne
Buckland	Great Barrington	N. Adams	Stockbridge
Charlemont	Hancock	New Ashford	Tolland
Cheshire	Hawley	New Marlborough	Tyringham
Chester	Heath	Otis	W. Stockbridge
Chesterfield	Hinsdale	Peru	Washington
Clarksburg	Huntington	Pittsfield	Williamsburg
Colrain	Lanesborough	Plainfield	Williamstown
Conway	Lee	Richmond	Windsor
Cummington	Lenox	Rowe	Worthington

DISTRICT 2

811 North King Street, Northampton, MA 01060, (413) 584-1611
Joseph J. Superneau, District Highway Director

Agawam	Greenfield	New Salem	Sunderland
Amherst	Hadley	Northampton	Templeton
Athol	Hampden	Northfield	W. Brookfield
rre	Hardwick	Orange	W. Springfield
lchertown	Hatfield	Palmer	Wales
ernardston	Holland	Pelham	Ware
Brimfield	Holyoke	Petersham	Warren
Chicopee	Leverett	Phillipston	Warwick
Deerfield	Leyden	Royalston	Wendell
E. Longmeadow	Longmeadow	S. Hadley	Westfield
Easthampton	Ludlow	Shutesbury	Westhampton
Erving	Monson	Southampton	Whately
Gill	Montague	Southwick	Wilbraham
Granby	New Braintree	Springfield	Winchendon

DISTRICT 3

403 Belmont Street, Worcester, MA 01604, (508) 754-7204
Peter J. Donohue, District Highway Director

Acton	Framingham	Medway	Southbridge
Ashburnham	Franklin	Mendon	Spencer
Ashby	Gardner	Milford	Sterling
Ashland	Grafton	Millbury	Stow
Auburn	Groton	Millis	Sturbridge
Ayer	Harvard	Millville	Sudbury
Bellingham	Holden	N. Brookfield	Sutton
Berlin	Holliston	Natick	Townsend
Blackstone	Hopedale	Northborough	Upton
Bolton	Hopkinton	Northbridge	Uxbridge
Boxborough	Hubbardston	Oakham	W. Boylston
Boylston	Hudson	Oxford	Wayland
Brookfield	Lancaster	Paxton	Webster
Charlton	Leicester	Pepperell	Westborough
Clinton	Leominster	Princeton	Westford
Douglas	Littleton	Rutland	Westminster
Dudley	Lunenburg	Sherborn	Worcester
Dunstable	Marlborough	Shirley	
E. Brookfield	Maynard	Shrewsbury	
Fitchburg	Medfield	Southborough	

DISTRICT 4

519. Appleton Street, Arlington, MA 02174, (617) 648-6100
thony Salamanca, District Highway Director

Amesbury	Dracut	Merrimac	Somerville
Andover	Essex	Methuen	Stoneham
Arlington	Everett	Middleton	Swampscott
Bedford	Georgetown	Milton	Tewksbury
Belmont	Gloucester	N. Andover	Topsfield
Beverly	Groveland	N. Reading	Tyngsborough
Billerica	Hamilton	Nahant	W. Newbury
Boston	Haverhill	Needham	Wakefield
Boxford	Hull	Newbury	Waltham
Braintree	Ipswich	Newburyport	Watertown
Brookline	Lawrence	Newton	Wellesley
Burlington	Lexington	Peabody	Wenham
Cambridge	Lincoln	Quincy	Weston
Canton	Lowell	Randolph	Westwood
Carlisle	Lynn	Reading	Weymouth
Chelmsford	Lynnfield	Revere	Wilmington
Chelsea	Malden	Rockport	Winchester
Concord	Manchester	Rowley	Winthrop
Danvers	Marblehead	Salem	Woburn
Dedham	Medford	Salisbury	
Dover	Melrose	Saugus	

DISTRICT 5

1000 County Street, Taunton, MA 02780, (508) 824-6633
Bernard McCourt, District Highway Director

Abington	Easton	Mashpee	Rockland
cushnet	Edgartown	Mattapoisett	Sandwich
Attleboro	Fairhaven	Middleborough	Scituate
Avon	Fall River	N. Attleborough	Seekonk
Barnstable	Falmouth	Nantucket	Sharon
Berkley	Foxborough	New Bedford	Somerset
Bourne	Freetown	Norfolk	Stoughton
Brewster	Gay Head	Norton	Swansea
Bridgewater	Gosnold	Norwell	Taunton
Brockton	Halifax	Norwood	Tisbury
Carver	Hanover	Oak Bluffs	Truro
Chatham	Hanson	Orleans	W. Bridgewater
Chilmark	Harwich	Pembroke	W. Tisbury
Cohasset	Hingham	Plainville	Walpole
Dartmouth	Holbrook	Plymouth	Wareham
Dennis	Kingston	Plympton	Wellfleet
Dighton	Lakeville	Provincetown	Westport
Duxbury	Mansfield	Raynham	Whitman
E. Bridgewater	Marion	Rehoboth	Wrentham
Eastham	Marshfield	Rochester	Yarmouth

TOWN OF ACTON POLICE DEPARTMENT
INTER-DEPARTMENTAL COMMUNICATION

TO: Chief Robinson
FROM: Lt. McNiff
SUBJ: Status report Sunrise Sunoco

DATE: September 17, 1992
TIME: 2:37 PM

SEP 22 1992

Attached please find Officer Dudley's report of his actions dealing with a complaint of licencing violation involving Sunrise Sunoco. Dudley found that there was a violation of the Class 2 licence at that location. He has spoken with the land owner, business owner and vehicle owner rel to this situation. He informed them to cease selling cars from that location and allowed them until 9/20/92 to remove any vehicles stored at that location. We will continue to monitor this situation.

*Readdressed and forwarded
to T.M. JWR*

CC: BOS

SEPTEMBER 11, 1992

TO: LT. McNiff
FROM: Ptl. Dudley
SUBJECT: Sunrise Sunoco Complaint

On 9-11-92 at 1500 I spoke with Dick Rostan, owner of Sunrise Sunoco. He told me that on occasion he rents space on his property to Timothy W. First for the purpose of selling used cars. At the time that I spoke with Mr Rostan there were no used cars for sale on the property. Mr Rostan stated that the parent company Sunoco had told him not to have cars for sale on the property for a while.

Timothy W. First is employed by Robertson and Gray Inc. of Concord, 369-5402 & 369-5136, whose business is Import Specialists and Select Automobiles.

Sunrise Sunoco would appear to be in violation of Mass General Laws chapter 140 section 57 which reads in part, No person...shall allow any property under his control to be used as a place of sale or display of motor vehicles without securing a license as providing in section fifty nine.

Robertson and Gray Inc. would also be in violation of chapter 140 section 57 which states in part, No person...shall engage in the business of buying, selling, exchanging or assembling second hand motor vehicles...without securing a license as providing in section fifty nine. Robertson and Gray Inc is not licensed for that property in Acton.

On 9-17-92 I informed Timothy First that he was in violation of licensing requirements and would not be able to sell vehicles on the Sunrise Sunoco property. He stated that he would remove all of his vehicles from the site by 9-20-92 and would not use the site any longer.

On 9-17-92 I spoke with Dick Rostan and informed him that Mr First would no longer be able to sell vehicles from the Sunrise Sunoco property.

INTERDEPARTMENTAL COMMUNICATION

TOWN MANAGER'S OFFICE

DATE: 9/8/92

TO: POLICE CHIEF

FROM: CHRISTINE JOYCE, TOWN MANAGER'S OFFICE

SUBJECT: CITIZEN COMPLAINT

Mr. Spellman of DJS Auto Sales has made several inquiries/complaints as to how it is that the Sunrise Sunoco located on the Corner of Mass Ave. and Route 27 can sell used automobiles from that location without a Class II License issued by the Board of Selectmen. More specifically, not have to operate with the rules that are imposed upon Class II Licenses. I have brought it to the attention of the Building Commissioner, he informs me that it is not a violation of zoning at that location, however, if they are indeed selling cars without proper Class II Licensing, the problem should be referred to your department.

Please take whatever steps necessary to determine if there is a violation as described by Mr. Spellman and let me know what appropriate action we must take to correct the situation.

cc: DJS AUTOMOTIVE
FILE

Library References

Theaters and Shows ¶3.
 WESTLAW Topic No. 376.
 C.J.S. Theaters and Shows §§ 17 to 30.

SALE OF SECOND HAND MOTOR VEHICLES

Library References

Comments.
 Regulation of dealers, see M.P.S. vol. 36,
 Alperin and Chase, §§ 417, 419.

§ 57. Necessity; exceptions; auctions; reports

No person/except one whose principal business is the manufacture and sale of new motor vehicles but who incidentally acquires and sells second hand vehicles, or a person whose principal business is financing the purchase of or insuring motor vehicles but who incidentally acquires and sells second hand vehicles,/shall engage in the business of buying, selling, exchanging or assembling second hand motor vehicles or parts thereof or/allow any property under his control to be used as a place of sale or display of motor vehicles without securing a license as providing in section fifty-nine. This section shall apply to any person engaged in the business of conducting auctions for the sale of motor vehicles, and to any person engaged in the business of leasing or renting motor vehicles and who, as an incident to such business, sells or offers to sell any such lease or rental vehicle to the public. All sales of second-hand motor vehicles or parts thereof made by any person referred to in this section shall be reported weekly to the registrar of motor vehicles on such forms as may be prescribed by him.

Amended by St.1952, c. 103, § 1; St.1968, c. 32; St.1970, c. 265; St.1973, c. 129; St.1979, c. 228.

Historical and Statutory Notes

St.1919, c. 259, §§ 1, 14.

St.1929, c. 238, § 2.

St.1952, c. 103, § 1, approved Feb. 27, 1952, added the second sentence.

St.1968, c. 32, approved March 4, 1968, added the third sentence.

St.1970, c. 265, approved May 5, 1970, rewrote the third sentence, which prior thereto read, "All sales of second hand motor vehicles made by any person required to be licensed by this section shall be reported to the registry of motor vehicles in the manner prescribed for Class 1 licensees as provided in section fifty-eight, and all such sales shall be subject to the

provisions of sections sixty through sixty-nine, inclusive."

St.1973, c. 129, approved April 3, 1973, in the second sentence, inserted ", and to any person engaged in the business of leasing or renting motor vehicles and who, as an incident to such business, sells or offers to sell any such lease or rental vehicle to the public".

St.1979, c. 228, an emergency act, approved June 1, 1979, in the first sentence, inserted "or allow any property under his control to be used as a place of sale or display of motor vehicles".

Library References

Licenses ← 16.
WESTLAW Topic No. 238.

§ 58. Classes

Licenses granted under the following section shall be classified as follows:

Class 1. Any person who is a recognized agent of a motor vehicle manufacturer or a seller of motor vehicles made by such manufacturer whose authority to sell the same is created by a written contract with such manufacturer or with some person authorized in writing by such manufacturer to enter into such contract, and whose principal business is the sale of new motor vehicles, the purchase and sale of second hand motor vehicles being incidental or secondary thereto, may be granted an agent's or a seller's license; provided, that with respect to second hand motor vehicles purchased for the purpose of sale or exchange and not taken in trade for new motor vehicles, such dealer shall be subject to all provisions of this chapter and of rules and regulations made in accordance therewith applicable to holders of licenses of class 2.

Class 2. Any person whose principal business is the buying or selling of second hand motor vehicles may be granted a used car dealer's license; provided, however, that such person maintains or demonstrates access to repair facilities sufficient to enable him to satisfy the warranty repair obligations imposed by section seven N¹/₄ of chapter ninety. A used car dealer shall remain liable for all warranty repairs made and other obligations imposed by said section seven N¹/₄ of said chapter ninety.

The registrar of motor vehicles shall promulgate rules and regulations defining sufficient repair facilities for the holder of a used car dealer's license.

Class 3. Any person whose principal business is the buying of second hand motor vehicles for the purpose of remodeling, taking apart or rebuilding the same, or the buying or selling of parts of second hand motor vehicles or tires, or the assembling of second hand motor vehicle parts may be granted a motor vehicle junk license.

Classes 4 and 5 added for the registration year starting January 1, 1992. See Historical and Statutory Notes following this section.

Class 4. "Repairman", any person who is principally engaged in the business of repairing or towing motor vehicles or trailers for the public and who maintains an established place of business, as defined in section one of chapter ninety, with facilities for the repairing of such motor vehicles or trailers.

Class 5. "Repossessor", any person engaged in the business of financing the purchase of or insuring motor vehicles and which requires such person to

take into possession such motor vehicles by foreclosure or subrogation of title.

Amended by St.1948, c. 181, § 1; St.1952, c. 103, § 2; St.1987, c. 289, § 2; St.1989, c. 653, § 95.

Historical and Statutory Notes

St.1919, c. 259, § 2.

St.1923, c. 30.

St.1948, c. 181, § 1, an emergency act, approved March 31, 1948, in the definition of Class 1, inserted "purchase and" and "or secondary" and added the proviso.

St.1952, c. 103, § 2, approved Feb. 27, 1952, in the definition of Class 2, substituted "or" for "and".

St.1987, c. 289, § 2, approved July 21, 1987, in the definition of Class 2, in the first paragraph, in the first sentence, added the proviso; added the second sentence; and, added the second paragraph.

Section 4 of St.1987, c. 289, provides:

"The provisions of section two shall not be applicable to any person who holds a Class 2 license issued under the provisions of section fifty-eight of chapter one hundred and forty of the General Laws as of June first, nineteen hundred and eighty-eight, until December thirty-first, nineteen hundred and eighty-eight."

St.1989, c. 653, § 95, approved Jan. 4, 1990, added the definitions of Class 4 and Class 5.

Section 245 of St.1989, c. 653, as amended by St.1990, c. 340, provides:

"The provisions of sections forty-three, forty-four, forty-five, forty-seven, forty-eight, fifty-three, fifty-four, fifty-five, fifty-six, fifty-seven, fifty-eight, fifty-nine, sixty, sixty-two, sixty-three, sixty-four, and ninety-five of this act shall take effect on January first, nineteen hundred and ninety for the registration year start-

ing January first, nineteen hundred and ninety-two; provided, however, that the registrar of motor vehicles shall on or before April first, nineteen hundred and ninety-one conduct a study and file with the joint committee on public safety a report describing in detail the various feasible alternatives that are available to accomplish the purposes of said sections forty-three, forty-four, forty-five, forty-seven, forty-eight, fifty-three, fifty-four, fifty-five, fifty-six, fifty-seven, fifty-eight, fifty-nine, sixty, sixty-two, sixty-three, sixty-four, and ninety-five, including in particular, use of a sticker system, so-called; and provided, further, that on or before June first, nineteen hundred and ninety-one the registrar of motor vehicles shall file with the joint committee on public safety a plan to carry out the purposes of said sections forty-three, forty-four, forty-five, forty-seven, forty-eight, fifty-three, fifty-four, fifty-five, fifty-six, fifty-seven, fifty-eight, fifty-nine, sixty, sixty-two, sixty-three, sixty-four, and ninety-five together with drafts of necessary legislation, in a manner designed to minimize the costs to the public, to avoid fraud and abuse associated with the misuse of general distinguishing registrations and number plates, and to promote the collection of all taxes due and owing to the commonwealth and the cities and towns."

St.1990, c. 340, was approved Dec. 20, 1990.

Cross References

Vehicles or parts to be retained for four days, see § 61 of this chapter.

Notes of Decisions

Class 3 license 1

1. Class 3 license

The granting by town selectmen under this section of a license of the third class did not

authorize defendant's conducting upon his premises a business described in license in violation of a zoning by-law. *Town of Lincoln v. Giles* (1944) 57 N.E.2d 554, 317 Mass. 185.

§ 59. Licensing authorities; expiration; fees; application; prerequisites; premises; ordinance regulations; revocation; notice

The police commissioner in Boston and the licensing authorities in other cities and towns may grant licenses under this section which shall expire on

January first following the date of issue unless sooner revoked. The fees for the licenses shall be fixed by the licensing board or officer, but in no event shall any such fee be greater than one hundred dollars. Application for license shall be made in such form as shall be approved by the registrar of motor vehicles, in sections fifty-nine to sixty-six, inclusive, called the registrar, and if the applicant has not held a license in the year prior to such application, such application shall be made in duplicate, which duplicate shall be filed with the registrar. No such license shall be granted unless the licensing board or officer is satisfied from an investigation of the facts stated in the application and any other information which they may require of the applicant, that he is a proper person to engage in the business specified in section fifty-eight in the classifications for which he has applied, that said business is or will be his principal business, and that he has available a place of business suitable for the purpose. The license shall specify all the premises to be occupied by the licensee for the purpose of carrying on the licensed business. Permits for a change of situation of the licensed premises or for additions thereto may be granted at any time by the licensing board or officer in writing, a copy of which shall be attached to the license. Cities and towns by ordinance or by-law may regulate the situation of the premises of licensees within class 3 as defined in section fifty-eight, and all licenses and permits issued hereunder to persons within said class 3 shall be subject to the provisions of ordinances and by-laws which are hereby authorized to be made. No original license or permit shall be issued hereunder to a person within said class 3 until after a hearing, of which seven days' notice shall have been given to the owners of the property abutting on the premises where such license or permit is proposed to be exercised. Except in the city of Boston, the licensing board or officer may, in its discretion, waive the annual hearing for renewal of a class 3 license. All licenses granted under this section shall be revoked by the licensing board or officer if it appears, after hearing, that the licensee is not complying with sections fifty-seven to sixty-nine, inclusive, or the rules and regulations made thereunder; and no new license shall be granted to such person thereafter, nor to any person for use on the same premises, without the approval of the registrar. The hearing may be dispensed with if the registrar notifies the licensing board or officer that a licensee is not so complying. In each case where such license is revoked, the licensing board or officer shall forthwith notify the registrar of such revocation. Any person aggrieved by any action of the licensing board or officer refusing to grant, or revoking a license for any cause may, within ten days after such action, appeal therefrom to any justice of the superior court in the county in which the premises sought to be occupied under the license or permit applied for are located. The justice shall, after such notice to the parties as he deems reasonable, give a summary hearing on such appeal, and shall have jurisdiction in equity to review all questions of fact or law and may affirm or reverse the decision of the board or officer and may make any appropriate decree. The parties shall have all rights of appeal as in other cases.

Amended by St.1934, c. 254, § 1; St.1938, c. 96; St.1948, c. 181, § 2; St.1957, c. 308; St.1981, c. 351, § 78; St.1981, c. 703; St.1989, c. 243.

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NORTH EAST SOLID WASTE COMMITTEE

Mr. John Murray
Assistant Town Manager
Town of Acton
472 Main Street
Acton, MA 01720

Dear Mr. Murray:

This letter is in response to your letter of September 11, 1992 regarding the Community Stabilization Fund. It appears from your letter that you have misinterpreted the data on the CSF balance sheets and the management of arrearages.

The amounts shown as payments on the CSF balance sheet are the payments made to the CSF; not the total payment made by the Town for that month. The number shown on the CSF sheet for a given month should be the same number shown on the Summary of your monthly invoice as the actual CSF contribution for the previous month. Its relationship to the total invoice amount, which includes actual billings for the previous month and estimated billings for the current month, all combined into a single number, will follow no regular or discernable pattern.

No mistake was made on your CSF balance relative to invoice # F-207-01 and neither our records nor MRI's will be in any way adjusted.

With respect to the back charges, you, again, seem to be confusing several things and several issues. The concept of the back charge was that, at the end of the fiscal year, each community would have paid \$64.50 for the greater of its guaranteed annual tonnage or its delivered tonnage, plus that community's share of the NESWC operating budget, which was expected to be less than \$1.50 per ton. Since the \$64.50 tipping fee had been charged only on delivered tonnages through November 30 of 1991, it was necessary to backcharge the difference between what had been paid and what should have been paid for those five months. That amount was calculated and divided by 7 so that it could be paid off over the remaining months of the fiscal year rather than in one lump sum.

The back charge had absolutely no bearing on any delivery of tonnage subsequent to December 1, 1991.

Your assertion that Acton will not pay its outstanding obligation related to back charges is a blatant violation of the Town's service agreement and an insulting affront to all of the other member communities. There is an outstanding back charge against the Town of Acton only because the Town

cc: BOS

Mr Robert Moroney interim
Dir. of NESWC, called to set
up a meeting with NESWC's
financial consultant to review
the matter. Mr Moroney

October 2, 1992

feels that in fact the
communities may have
been overcharged

10-6-92

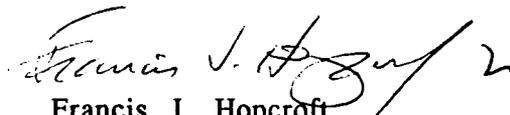
underdelivered tonnage between July 1 and November 30 of 1991. Therefore, the Town must pay the bill or violate its contract. Violation of the contract is grounds for termination of services and a law suit to recover damages by the other 22 communities which would have to make up the shortfall in project revenues.

The quotations regarding this issue in your letter are not complete and only indicate about half of what I recall indicating about the back charge plan. For example, your quotation in paragraph 3, starting at line 10, is true only for a community which consistently underdelivered versus its GAT on both a monthly and annual basis. It is not true for a community which overdelivered on its GAT, either on a monthly or annual basis, as Acton did in January, March, April and May of 1992. It is irrelevant to the issue of back charges.

A community, such as Acton, which overdelivered in some months, but underdelivered in other months, would normally have seen a base fee credit amount come back to them at the end of the fiscal year. That is the only way any member community, including Acton, would pay less than \$64.50 in tipping fees for its total delivered tonnage. That did not happen because so many communities, such as Acton, tried to beat the system by underpaying their obligations and waiting for the credit to come to balance the books. Since there was no money there with which to pay the credits, however, no credits could be given. The total revenues, therefore, fell short and the CSF took a bigger hit than it should have. That will result in greater hardships for all member communities in FY93 than should be necessary. Those hardships will only be eased when all member communities, including Acton, meet their obligations to the NESWC project in an honorable fashion.

The amounts currently outstanding against Acton remain obligations of the community which must be satisfied. There is no apparent error in the Accounts Receivable report for Acton, or for any other listed community, and corrections to those reports will not be made. The only errors lie in the failure of member communities, such as Acton, to own up to and pay their legitimate and legal obligations to the NESWC project and, thereby, to the other member communities.

Sincerely yours,
North East Solid Waste Committee


Francis J. Hopcroft
Executive Director

cc: Executive Committee Members
Chief Executive Officers

ACTON RECYCLING TASK FORCE

Meeting Minutes

Date: Tuesday, September 15, 1992

Location: Room 126, Acton Town Hall

Members present: Nancy Tavernier, Chairman
Peggy Mikkola
Rosemary Lundberg

The meeting convened at 9:15AM.

Minutes of 8/4/92 were accepted as written.

1. Guest speaker: Dr. Richard Nurse, associate of MAACK Business Services, Plastics technology and marketing.

Members were treated to a very interesting presentation "Plastic Materials in Solid Waste Management." (Nancy has a copy of the presentation)

Dr. Nurse has been in the plastics field for 25 years and is particularly interested in the contributions that plastics make to the environment.

The following issues were covered:

- Materials in common use in society
- Municipal Solid Waste by Material
- Plastics in the Solid Waste stream - types and applications
- Food containers in US
- Examples of material comparisons (grocery sacks, milk containers, can liners)
- Degradable/biodegradable/waste to energy
- Future trends

Important points about advantages of plastic noted:

- Annual virgin plastic consumed is 27.2 million tons
Estimated recycled plastic consumed - 1.33 million tons
- PET beverage bottles
This material is preferred by manufacturers because it is

- light, doesn't break, and takes less energy to ship due to weight
- there are 160 different polyethylenes (plastics) because each one is developed for a particular need and use.
 - In the US, 31.2% of all plastics are used for packaging, with 40% of all plastics having a "short life span"
 - Plastics comprise 20% by volume and 9.2% by weight of municipal solid waste.
 - Plastic is favored as food container type by manufacturers -
 - plastics - 34 million units
 - glass - 15 million units
 - cans - 30 million units
 - paperboard - 15 million units
 - Unit cost of recycling packaging (cents per 16 oz. delivered)
 - aluminum 2.36
 - steel 2.43
 - glass 2.07
 - plastics 0.78
 - Capacity/lb. of rigid packaging in fluid oz.
 - glass 29 oz.
 - aluminum 255 oz.
 - steel 99 oz.
 - plastic 520 oz.

Conclusion: Plastics are cheaper to produce, hold more product and are lighter.

Pollution factors, paper vs. plastic

Grocery sacks (if recycled 100%)

Plastic - 1 lb. waterborne waste per pound

Paper - 39 lbs. waterborne waste per pound

Plastic - 8 pounds emissions per 10K uses

Paper - 30 pounds emissions per 10K uses

Plastic - 7 million BTU/10K use

Paper - 8 million BTU/10K uses

Plastic - 1 cu. ft./10K uses volume solid waste

Paper - 2 cu. ft./ 10K uses, volume solid waste

Burning of plastics results in a very clean process

- Contrary to popular opinion, the burning of all plastic but PVC is a clean process because plastic is made of Hydrogen and Carbon and can only create H₂O, CO₂ and CO as burn products, all compounds found in nature.

There cannot be a cleaner burning substance.

- Plastics, because they are essentially the same composition as fuel oil, burn with a high energy value and are therefore valuable to incinerators that use waste for energy production.

RECOMMENDATIONS TO RECYCLING TASK FORCE.

1. Plastics and cans at Recycling center should be crushed or ground to reduce volume and thereby save on disposal transport costs.

- Task force should begin to educate people about crushing plastic containers and flattening cans

2. Town should consider either a grinder for plastics (\$5-6000) or a compactor. (both were considered under grant program)

3. Do not waste time expanding the variety of plastics for recycling since there are no markets and/or uses for other than 1 & 2, furthermore they burn safely.

4. Separate out the cans and plastics at the recycling center. (note: have requested grant \$ to buy more roll-offs to do this).

5. Expand the recycling area and put up a station to grind the material.

6. **Dr. Nurse. is very impressed with our Recycling Center and has taken slides to make presentations all over the world, Acton was recently showcased at a conference in Switzerland!!!**

NEXT MEETING: We have scheduled our next meeting to be on a Wednesday to better accommodate the members' schedules.

WEDNESDAY, OCTOBER 7 9AM AT ROOM 126, TOWN HALL

Agenda: Move ahead with brochure. Maya, please bring latest draft.

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

Don P. Johnson
Town Manager

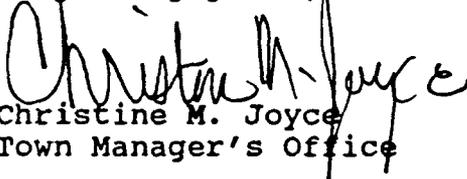
October 7, 1992

Dear Package Store License Holder:

The Board of Selectmen at their meeting of October 6, 1992, voted after holding a public hearing to allow the Package Store License holders to open on Sundays from Thanksgiving thru the Sunday before New Year's Day. This approval is given under statute (Chapter 653, Section 181 of the Acts of 1989) as amended, and therefore, you must comply with all conditions under that Statute. I have enclosed a copy of the NOTICE from ABCC which outlines the conditions (a) through (f) which pertain to Limited Sunday Openings before Thanksgiving through New Year's.

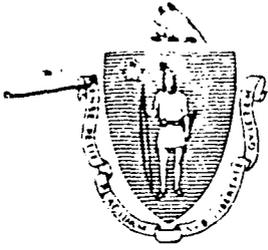
If you have any questions please feel free to contact my office.

Very truly yours,


Christine M. Joyce
Town Manager's Office

cc: Board of Selectmen
Police Department
Alcoholic Beverages Control Commission

918Chris.w.22



The Commonwealth of Massachusetts
The Alcoholic Beverages Control Commission

Leverett Saltonstall Building, Government Center
100 Cambridge Street, Boston, Mass. 02202-0002

William F. Weld
Governor

Telephone (617) 727-3040
Fax (617) 727-1258

Gloria C. Larson
Secretary

Argeo Paul Cellucci
Lieutenant Governor

Edward R. Redd
Chairman

7/31/92

NOTICE RE: SUNDAY PACKAGE STORE OPENINGS

1. Summary. Local option Sunday Package Store Openings, subject to certain conditions, are permitted for the days and communities described below. This notice modifies the last notice issued on this subject (12/31/91), in that authorized holiday season openings now begin with the Sunday before Thanksgiving.

2. Conditions.

(a) Local Licensing Authority approval is required in the form of a permit issued by the Authority after a public hearing. A permit may be of fixed duration, or, in the discretion of the Authority, may be approved as a term of the alcoholic beverage license, remaining in effect for all renewals subject to further action of the Authority.

(b) Stores may not open before noon.

(c) Stores may not open on January 1, July 4, or November 11, when such day is a Sunday, or on December 25.

(d) Stores must close not later than 11 P.M. (11:30 P.M. if the following day is a Monday holiday). The local authority may require an earlier closing.

(e) Employees must be paid at a rate not less than one and one half times the employee's regular rate.

(f) No employee shall be required to work, and refusal to work on a Sunday shall not be grounds for discrimination, dismissal, deduction of hours, or any other penalty.

3. Thanksgiving through New Year's Sunday Openings: All Communities. Package Store openings in all communities are allowed on the Sunday before Thanksgiving and each Sunday thereafter until New Year's Day, subject to the conditions described above.

4. Year-Round Sunday Openings in Certain Communities. Year-round Sunday package store openings are allowed in certain communities (within ten miles of New Hampshire - see listing on back), subject to the conditions described above.

MINUTES OF THE MAGIC/ROUTE 2 CORRIDOR ADVISORY COMMITTEE
SEPTEMBER 17, 1992

The meeting of the Route 2 Corridor Citizens Advisory Committee was held Thursday, September 17, 1992 at the Massachusetts Highway Department (MHD) District 4 Office at 519 Appleton Street in Arlington. The following were in attendance:

Bob MacDonald, MHD, District Project Engineer
Jack Wood, MHD, District Environmental Engineer
Bill Steffens, MHD, Director BTP&D
Hari Vohra, MHD, Traffic
Kojo Fordjour, MHD, Project Development
Efi Pagitsas, CTPS
Judy Alland, Metropolitan Area Planning Council
Harriet Todd, Selectman, Town of Lincoln
Dilla Tingley, Planning Board, Town of Lincoln
Ann Fanton, Selectman, Town of Acton
John Pavan, Planning Board, Town of Acton
Judy Walpole, Selectman, Town of Concord
Gail Jewell, Planning Board, Town of Concord

Bill Steffens began by stating the meeting agenda: To explain the CTPS HATS Hanscom Model; To provide an update of the Route 2 Crosby Corner Improvement Project.

Ann Fanton felt it is necessary to include language that would show that the CAC is not just responsive to the planning process but has a pro-active role. Bill agreed that language should be strengthened: The CAC will help in developing a discussion of problems and needs with potential solutions so that the concerns of the communities can be met and projects pushed through. Ann added that the concerns of the communities and MHD don't hinder each other.

Bob MacDonald discussed the status of the Signal Update Project for the Crosby Corner intersection (short term). There is a Public Hearing scheduled for October 14, 1992 at the Concord Town House. The project will probably be advertised in November and construction will begin in the Spring. Bob gave an overview of the 75% design plans. There was a discussion regarding some potential operational problems. Members from the communities are concerned that during the green phase for the eastbound through movement for the Cambridge Turnpike, there will be a conflict with traffic yielding from the Route 2 eastbound left lane traffic. They feel that Cambridge Turnpike traffic should yield to Route 2 traffic. Hari Vohra pointed out that the through traffic should have the right of way, because if Cambridge Turnpike traffic yields to Route 2 traffic, then queues could block the intersection. He also pointed out that with the increased lane widths, the merge will be facilitated. There is also concern that traffic using the westbound dual left-turn

lanes will be squeezed while making the swing. It was pointed out that the new design includes increased pavement width along with "elephant track" pavement markings and advance warning signs.

Hari Vohra will contact the consultant, VHB and Peter Kutrubes to arrange an informational meeting with the CAC members prior to the Public Hearing (Oct. 14).

Efi Pagitsas explained how the 1990 model was developed for the relocation of HATS, to forecast 1995 traffic in a six town area (Acton, Bedford, Concord Lexington, Lincoln and Littleton). The model can be readapted for 1992 conditions and used to forecast future conditions for the Crosby Corner engineering design and Environmental Impact Report. One of the features of the computer loaded network is that it can be used to test alternative improvements showing the effect at other locations.

} such as crossovers in Acton!

Ann Fanton asked if the MHD is looking for an early solution to the serious traffic problem at the Concord Rotary. As a result of signs being installed at the rotary, Rte 2 eastbound traffic is backed up to School and Wetherbee Streets in the morning. Bill said that the Boston office would work with the District to come up with a short term solution.

Kojo Fordjour gave an overview of the Crosby Corner (long term) Improvement project. He gave a description of the Federal /State design and environmental review processes. There were questions regarding public participation in the process. Kojo said that the public is allowed to comment during the MEPA process and the consultant's scope includes language which requires consultation sessions with the local planning boards, MAPC etc. John Pavan asked if the "Flyover" scheme had already been decided. Kojo said the design was based on the Town study. A major consideration for grade separation is that it provides the ability to keep existing Route 2 traffic running during construction. There was also a discussion about the limits of the project. The eastern limit will connect to the Bedford Rd. project while the western limit is undetermined. Members from the communities feel the project should include the Route 126 intersection. The Town of Concord wants a grade separated diamond interchange to replace this intersection. Bob MacDonald said this probably won't happen. Some of the considerations have been that it is too close to Crosby Corners. The MHD prefers at grade improvements, especially considering that it is in the vicinity of sensitive land (Walden Pond).

} P
6

The date for the next meeting was set for Tuesday, November 17 at 8:00 a.m. The agenda will include updates of: the HATS model by Efi Pagitsas, the status of the Route 2/Crosby Corner Signal Update Project (short term) by Hari Vohra and the status of the Route 2/Crosby Corner Project (long term) by Kojo Fordjour.

- Done, take note

DR. CARLO INFANTE
12 QUAIL RUN
ACTON, MASSACHUSETTS 01720

cc: BOS

Ms. Nancy Tavernier
Selectmen Chairperson
Acton City Hall
Acton, MA

30 September 1992

Dear Ms Tavernier,

I understand you are the official responsible for monitoring Cable franchises for the city of Acton. I think you should know that my wife and I find the quality of the Cablevision service atrocious.

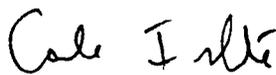
I am not speaking about the quality of the programs, although we all know that they could be improved tremendously. I'm not even speaking about the price structure. I'm speaking of the quality of the signal given to subscribers and the reliability of the connection.

My wife and I subscribed to cable in both Oregon (Lake Oswego) and California (San Francisco area) and not only was the picture quality vastly superior, we also had FM signals available (free of charge) and there was rarely if ever a problem.

Here in Acton, it seems that a week does not go by without at least one channel being either unavailable or "snowy". Telephone calls to protest have little or no effect. Our neighbor, an avid sports enthusiast, recently cancelled his subscription to the Sports Channel because of poor service. Surely Acton deserves better than this!

I would appreciate it very much if you took appropriate action.

Very Truly Yours,


Dr. Carlo Infante

CC: B.o.S. ✓
B.o.A.
Pl.B.

Planning Board, Town of Acton
Acton Town Hall
472 Main Street
Acton, MA, 01720

Dear Planning Board Personnel:

I am writing you in response to the addition to the Meineke building at Kelly's Corner, and am appealing to your sense of decency. As an architecturally trained individual, I feel obligated to improve the quality of our built environment and this latest slap in the face of design is most disheartening. I do not purport to be an expert of any kind, but this is such a blatant mistake as to be almost laughable. Acton has shown genuine interest in pursuing good design; the various town center committees are proof of this, as is the master plan developed not too long ago. And, as any other community, the town has zoning laws enacted to create logical and proper land-use. Yet, obviously, there is no design-review procedure for new construction. This is a crucial component for insuring good urban and architectural design. The new Meineke addition has no redeeming architectural qualities. Instead, it eliminates the view of the Acton Dental building from the intersection. It also visually constricts the whole Kelly's Corner area. It is beyond me why the impact of such a design was not studied before construction. And if it was, why were these negative elements allowed to manifest themselves? The relatively new Mobil Station in West Acton center is another example of wanton disregard for issues such as historical character, pedestrian experience, and visual impact. If Acton is to avoid devolving into another strip development along a major access road, such as I fear is happening to Rt. 2A, a new policy of design-review by area citizens, architects, builders, planners, etc. must be enacted. If not, then the town's character will be completely lost. As planning professionals, you must be able to appreciate the power and necessity of good design. It is not something that is easily identified and categorized, but it is so important in everyday life. Please, for the sake of the town and all its citizens, let's do something to insure it.

Sincerely,

David B. Harris, Jr.

David B. Harris, Jr., Intern AIA

COORDINATING COMMITTEE
OVERRIDE PROCESS - 26

AGENDA

October 13, 1992 (TUESDAY) 7:15 A.M.
ROOM 114 JR. HIGH SCHOOL

- 1) Continuing Discussion of Draft FY94 Budget
Guideline Assumptions.

✓ Selectmen



ACTON COMMISSION ON DISABILITY

Town Hall
Acton, MA 01720

October 1, 1992

OCT - 9 1992

To: Dorris Hilberg, Editor
From: Joan S. Burrows, 263-0843
Re: Library Access
For: Immediate release

In regard to the article in the Beacon, October 1, 1992, "Pavement purpose debated", the Acton Commission on Disability would like to add some information missing in the discussion at the selectmen's meeting.

Six years ago, when the Acton Commission began, a serious problem of access at the library surfaced. Many calls to the commission about the length of the walk to the library were received. After the addition to town hall was completed, we were told there would be handicapped parking and better access.

As anyone knows, this is not the case. Handicapped parking for the town hall is great. The one handicapped parking spot in the circle in front of town hall is for the library. However, it is on an incline, difficult or impossible for many people to maneuver, and also it is a long walk to the library. The path from the parking lot is even longer and it is steep and slanted and has no hand rails, making access for some impossible.

The commission continued to address the issue of access to the library, suggesting that a parking area be made closer to the entrance. We were told this was historical property and could not be touched.

For those who question the use of money for widening the sidewalk, I wonder where they would like to see the money spent? Where better than to assure access to the public library for all citizens?

To Anne Fanton, what "negative visual impact" is she referring to? Who has time, safely, to look with the speed of vehicles on route 27 passing by the town hall, the library and the pizza shop? Anne's comment, "tampering with the historical charm of the common by adding more pavement"?....What is the value of the "historical charm" of some dirt or grass compared to the convenience and access for all citizens to the library? I cannot imagine the walkers who pass by would be horrified by some pavement; rather, they would be pleased that parking allowed better access to their library. I am also sure that our creative people in the town municipal properties and conservation departments would make the area attractive with some shrubs if necessary.

The federal legislation, The American With Disabilities Act, (ADA) requires a transition plan for the town, to be ready by January 1993. The plan's first phase is for access to programs, town buildings and the area around the buildings. This includes the library. The ADA defines historical property as "a public entity that has preservation of historic properties as a primary purpose". Further, "in achieving program accessibility in historic preservation programs, a public entity must give priority to methods that provide physical access to individuals with disabilities".

What good is a library that does not allow for all citizens to make use of the books, magazines, references, and programs? For many for whom it may be a hop, skip, jump, jog, or bike ride to the library, there are many who are pushing strollers, who are pregnant, who have physical disabilities, temporary or permanent, and who are elderly, who cannot make it easily or at all. They are denied access to the library. Ah, books can be delivered to people at home, you say. But, one cannot browse and pick out books they would like, they may need to do some research, or they may want to go with their family or attend a program.

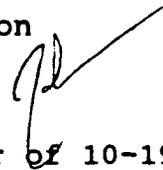
I hope that the people of Acton would be sensitive to the needs of all citizens and it does not have to take a law to have action taken to assure a library for all!

File

TOWN OF ACTON
INTERDEPARTMENTAL COMMUNICATION
TOWN MANAGER'S OFFICE

DATE: 10/23/93

TO: Don P. Johnson

FROM: John Murray 

SUBJECT: DEP's Letter of 10-19-92 and your memo of 10-23-92

I contacted Mr. Nicholas Maffei of, The Comm. of Mass. Auditor's Office - Local Mandates Division, earlier today, and stated that we believe that the reformed regulations construct a local mandate. He stated that DEP failed to send his office a copy of the letter. Therefore, I faxed him a copy and they will review said materials in light of their June 1992 study concerning mandatory recycling.

TOWN OF ACTON
INTERDEPARTMENTAL COMMUNICATION
TOWN MANAGER'S OFFICE

DATE: October 23, 1992

TO: John Murray, Assistant Town Manager
FROM: Don P. Johnson, Town Manager
SUBJECT: DEP Approved Municipal Recycling Programs

The attached correspondence from DEP outlines a new initiative on their part to take the oneness for recycling compliance off of disposal facility operators and place it on the sending municipality. While the program is reasonable, etc., it strikes me that the way the State has avoided paying for this mandate has been through their posture that the requirement fell on the plant operator, not the community. Please check this out and see if we now have a mandate, with financial responsibility falling to the State.

Now that I have that off my chest, please handle the paper work associated with certification.

cc: Board of Selectmen
Dick Howe





Commonwealth of Massachusetts
Executive Office of Environmental Affairs

Department of Environmental Protection

William F. Weld
Governor

Daniel S. Greenbaum
Commissioner

October 19, 1992

Dear Chief Executive Official:

Statewide restrictions on the disposal of glass and metal containers, and yard waste, commonly referred to as "waste bans," were required by regulation to become effective on December 31, 1992. These regulations (at 310 CMR 19.017) prohibit disposal of designated materials in excess of de minimus quantities. As described below, the Department has extended the compliance date until April 1, 1993 to allow communities to demonstrate they have an approved recycling program in place. The restriction on disposing bottles, cans and yard waste complements the present restrictions on lead batteries, white goods, leaves, and whole tires which will remain in effect. These provisions conserve disposal capacity at existing disposal facilities and reduce the need for new landfills and incinerators.

The waste ban regulations govern the way in which disposal facility operators handle the restricted materials. The enforcement of these regulations occurs through Department efforts to ensure that a facility's approved "compliance plan" is fully implemented. Facility compliance plans address: proper facility signage on waste restrictions; inspection schedules and procedures for screening incoming waste loads; inspection record-keeping, and, reports to DEP.

For glass and metal containers, DEP is taking a different approach during 1993. Disposal facility operators (landfill or combustion) will be relieved of the requirement to inspect for these materials where the waste load originates from a community found on the list of "DEP Approved Municipal Recycling Programs." To be placed on this list a municipality must satisfy basic adequacy criteria for local recycling programs. These criteria, found on the attached Application Form, are intended to demonstrate municipal commitment to recycling as well as gauge program effectiveness. To be included on this list, please complete the attached form and return to me by March 15, 1993. This list, "DEP Approved Municipal Recycling Programs", will be transmitted to Massachusetts disposal facility operators by April 1, 1993.

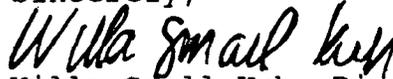
The enclosed "Municipal Recycling Primer" provides basic

information on the recycling of glass and metal containers and composting of yard waste. Topics covered include: the benefits of recycling and composting; marketing considerations; collection program design factors; and, management options for yard waste. This document is intended primarily as technical assistance to municipalities which have yet to plan for or implement container or yard waste recycling. Also attached is the DEP "Recycling Services Directory."

Additional details of DEP's waste ban guidance may be found in the document DSWM Guidance SWM-7-10/92: "Guidance to Solid Waste Disposal Facilities for Implementation of Waste Bans Covering Glass and Metal Containers and Yard Waste - Effective December 31, 1992." The document has been sent directly to municipal landfill operators.

Because the guidance document allows operators some flexibility in the design of individual facility inspection programs, DEP recommends that municipalities consult with their waste disposal facility (or hauler) to obtain the specifics of that facility's approved waste ban Compliance Plan. Municipalities are also encouraged to approach their contracted disposal facility for help in meeting the waste ban requirements. Many of the state's disposal companies already assist communities with public education and/or provision of equipment and facilities needed for recycling.

Sincerely,



Willa Small Kuh, Director
Division of Solid Waste Mgmt.



Commonwealth of Massachusetts
Executive Office of Environmental Affairs

Department of Environmental Protection

William F. Weld
Governor

Daniel S. Greenbaum
Commissioner

MUNICIPAL RECYCLING PRIMER GLASS AND METAL CONTAINERS AND YARD WASTE

Recycling Basics

Recycling is a process in which material resources are recovered from "wastes." The recovered material is a natural resource which is prepared for incorporation into new products, and sold anew to consumers and businesses. While municipalities must develop and maintain relationships with recyclables processors and markets, their primary responsibility is for the recyclables collection program. This responsibility may include some limited sorting and densification activities - depending on whether there is an intermediate processing entity which will receive the collected materials.

Municipalities may be motivated by two types of benefits associated with recycling programs - environmental benefits and financial benefits. Recycling offers environmental benefits in the form resource conservation as well as in the preservation of air, water and soil quality. Some of these benefits are experienced locally, such as land conservation, maintenance or improvement air and water quality, or production of valuable compost. Other benefits are experienced regionally or internationally. Assessing the monetary value of these benefits under a cost-benefit analysis is often difficult or impossible - yet in the minds of many citizens, their importance frequently exceeds that of other benefits.

The financial benefits from recycling, for the generating party, derive from the combination of revenue from material sales and the disposal cost avoidance obtained when waste is recycled. Taking these two elements into account, refuse recycling can be less costly than refuse disposal. Finally, providing these materials to Massachusetts industry also helps the state economy.

Key Considerations for Marketing Glass and Metal Containers
(See DSWM Recycling Services Directory for additional details)

While there can be no guarantee that recovered materials will always find a willing and profitable home in the secondary materials markets, marketing glass and metal containers should not be difficult. The key is to collect significant quantities of the material for sale while at the same time maintaining minimum quality specifications. The accumulation of large volumes of these materials can either occur by the private scrap processor/recycler collecting material from many small municipal sources or by a municipal consortium or solid waste district which provides or contracts for a central processing operation to receive, process and market the recyclables from a number of member communities.

Glass Containers:

Glass containers collected in Massachusetts are ultimately marketed to the region's two glass container manufacturing plants - Foster Forbes of Milford, Massachusetts and Anchor Glass of Dayville, Connecticut. Some glass loads are marketed directly by municipalities to glass factories, but a sizeable share of municipal glass is marketed to recyclables dealers, who assume the responsibility for marketing glass to end-users.

No glass dealer or glass plant will knowingly accept glass loads contaminated with ceramics; however, other material specifications differ. First, the glass manufacturers not only require the separation of container glass by color, but they also specify limits for cross-contamination of the three colors - flint, amber, and green. On the other hand, glass dealers and processors may simply adopt the specifications of the glass plants, or, instead, may permit commingling of amber, green and flint colored whole containers and higher levels of cross-color contamination in cullet loads. Many glass dealers now prefer to receive unbroken bottles.

Green glass containers are not manufactured in the New England area, though a number of dealers and one glass plant still accept green cullet on a fairly regular basis. Nevertheless, due to periodic gluts in the green glass market, municipal and private glass suppliers are advised to develop temporary storage arrangements for green glass in order to ride out periods of weak demand.

Finally, permissible levels of contamination by aluminum or plastic caps and neck-rings should be understood and addressed by any local glass recycling program. A glass buyer's tolerance for these caps and neck-rings may be stated in terms of numbers of caps or rings or cans per load (often the number detectable on top of a tipped load of cullet) or it may be expressed in percentage terms.

Whether or not a glass buyer will restrict the quantity of caps, neck-rings and other non-ceramic contaminants that are acceptable depends largely on the degree of his/her ability to process incoming cullet to remove contaminants. This processing capability, together with that of densification and in some cases color sorting, comprise what is referred to as a beneficiation or beneficiation process. Materials Recovery Facilities (MRFs), private glass dealers and glass manufacturing plants are among the parties that may provide this service. One of the region's glass manufacturers currently operates a beneficiation process and the other manufacturer expects to add this capability in the very near future. Increased municipal access to such beneficiation facilities should significantly lessen the recent trend of rejected glass deliveries.

Municipal officials responsible for market arrangements should consult DEP's Recycling Services Directory and call a representative of the intended market to obtain detailed specifications of the particular materials dealers or end-users.

Steel Containers:

The major markets for steel containers are detinning mills and steel mills (domestic and overseas). Access to each of these distant end-users is constrained by the economics of long-distance shipping. As a result, municipalities will almost always deal with intermediaries, such as scrap metal processors and MRF operators, who can assemble large quantities for lower cost shipping. The party preparing a large load for shipment to an end-user mill must concern itself with the particular mill's requirements for bale size, density and contaminant tolerances. Municipalities, on the other hand, need only ensure that they collect clean tin-steel or bi-metal containers free of non-metallics (other than paper labels).

Aluminum Containers:

The end-market for aluminum containers centers around Reynolds and Alcoa Aluminum, but few municipal sources generate sufficient aluminum volume to merit dealing directly with these large end-users. Most of the state's aluminum containers are diverted, via the bottle bill redemption system, away from municipal recycling programs and toward the major beverage distributors and third-party collection firms. The remainder of these containers are stockpiled and marketed to area scrap metal processors as UBC (used beverage containers). The value of aluminum is so much greater than steel that separate collection of aluminum is usually worthwhile. Alternatively they may be mixed with tin-steel cans and sold to scrap steel dealers. If the aluminum smelting industry is to be the

end-user, care must be taken to prevent steel cans from being mixed in the load. This is due to the fact that, while aluminum is acceptable in a steel furnace, steel is an undesirable element in an aluminum smelter. Aluminum containers must also be free of foreign material such as cardboard, glass, plastic and dirt.

Key Considerations in Designing the Collection Program

A basic of recycling program design is to match the recycling collection system to the refuse collection system. Drop-off recyclables collection works best when it complements a drop-off refuse collection program. Curbside refuse collection calls for curbside recyclables collection. It is also possible to combine curbside and drop-off collection for different materials.

In the effort to maximize participation, there is no substitute for a well-conceived, visible and ongoing public education campaign. Education, persuasion and promotional efforts will win more enthusiastic supporters than will attempts to penalize non-compliers under recycling by-law provisions. Nonetheless, recycling research does show that, all other factors being equal, mandatory programs experience higher participation and recovery rates than do voluntary programs. It is thought that this advantage for mandatory programs stems from the public's perception that if the city/town government has bothered to make recycling the law (with penalties for violators), then it's important to pay attention and cooperate.

Participation in the program will be maximized where the municipal government signifies its commitment to recycling by enacting a mandatory recycling by-law or ordinance. In addition, municipalities which employ user fees for refuse disposal provide residents and businesses an important incentive for participation in the recycling program.

Drop-Off Program Design:

(1) Access:

Plan for the recycling area to be open during all the hours that the disposal facility is operating. If possible, route vehicles past the recycling containers before they get to the disposal area, present users with highly visible signs with clear recycling instructions, and, provide them with a vehicle pull-over or turn-around area for safe and convenient recycling. Install roll-off containers at a grade separation to allow easy deposit by residents. If this isn't possible, then provide a stair and platform next to the container.

(2) Equipment Selection and Layout:

Thirty and forty cubic yard roll-off containers are the most commonly used type of equipment for receiving, storing and hauling glass and metal containers. These may be purchased, leased or provided at no-charge by the recycling vendor. The use of concrete pads under roll-off containers are the best way to ensure their serviceability in inclement weather.

Glass Containers - For a small community that has one market for all three glass colors, a single open-top roll-off divided into three compartments may be the most cost-effective. Mid and large sized communities or those that send amber to one market and green and flint to another, will need two or three roll-offs for glass recycling.

Tin-Steel Containers - A single open-top roll-off is adequate for even the largest drop-off communities. Small communities might go with a 5-10 cu. yd. bin or a single compartment in a divided roll-off holding various scrap metals.

Aluminum Containers - The volume and weight of aluminum containers that are left unrecovered by the bottle bill is so small that, at most, these containers merit a compartment in a divided metals roll-off. Generally, sufficient storage can also be obtained with a 5-10 cy. yd. bin or 30 gallon plastic bags which are moved into a storage shed when filled.

Communities with access to a MRF that processes commingled recyclables can use a single roll-off container to handle glass, steel and aluminum containers.

(3) Monitoring Staff:

In most cases, staffing is critical to the drop-off recycling program's success. Recycling staff fill several functions including: monitoring refuse deliveries for recycling compliance, monitoring recyclables deliveries to ensure that program rules are followed, promoting the recycling program and answering the public's questions, and, prepping materials to market specifications. Frequently, in small communities, a single monitor can operate and enforce rules at both the refuse and recyclables drop-off areas. While it is preferable to commit paid staff to these functions, some communities report success with volunteer staff fulfilling some of these functions.

(4) Processing Needs:

Commingled Containers: As a rule, the simpler it is for the public to participate in a recycling program, the more consistently and fully they will participate. This ease of participation, and associated recovery rate increase, should be weighed against the additional cost of having the municipality or its recycling vendor re-sort the materials. Commingled drop-off programs will minimize the sorting and prepping demands on drop-off staff. Here, staff will concentrate on encouraging participation and rooting out unacceptable materials.

Sorted Containers: Alternatively, municipalities which require residents to sort containers into separate bins for glass, aluminum and steel will find a greater number of bidders to select services from. Even large Materials Recovery Facilities sometimes offer preferential tipping rates to municipalities which pre-sort their containers. At the same time, full sort drop-off programs place greater demands on residents. The more sorting and clean-up demands placed on residents, the more frequently will there be mistakes and violations which will require monitoring staff time to correct or possibly result in rejected loads at the end-user facility.

Glass Containers - In response to the recent tightening of specifications for cullet quality, some municipalities have terminated glass recycling, others handed over the responsibility for (and revenues from) glass marketing to dealers, and still others stepped-up quality control measures at the drop-off center. Glass dealers will reduce their price paid if they have to invest labor in culling aluminum and plastic from municipal cullet. Some municipalities may be willing to forego recycling revenues if they can avoid added processing at the drop-off center. Drop-off programs that are experiencing trouble with contamination of glass loads may choose to screen bottles and jars before they are deposited in the roll-off. In this case, residents are asked to place glass containers on tables in front of the glass roll-off, where recycling staff perform the necessary clean-up and sorting operations.

Several methods for densifying glass containers may be considered in order to improve hauling economics. Containers may be hand shattered in the roll-off by recycling staff. They may also be reduced mechanically with an automatic glass crusher. Finally, one tested and effective practice is to crush the glass inside the roll-off container using a massive concrete block suspended by a chain from the bucket of a front-end loader.

Steel Containers - Steel containers should require little or no processing. Lids and labels may remain on cans. Cans containing significant food residues should be discarded. Glass, plastic, cardboard and other non-metallics should not go in the steel can roll-off or bin.

Residents should be encouraged to crush their cans and recycling center staff can also crush or bale steel cans in order to minimize hauling costs.

Aluminum Containers - Aluminum containers also require little or no processing. Ferrous containers must be separated from aluminum containers. This can normally be performed by residents and recycling staff with the aid of a large magnet attached to the aluminum bin. Non-deposit type containers should be crushed for shipping efficiency. Glass, plastic, cardboard and other non-metallics should not go in roll-off.

Curbside Program Design:

Developing and running a curbside recyclables collection program can be either more simple or more complex than a drop-off program - depending on whether the municipality chooses to bid a private collection contract or to operate the collection with municipal staff and equipment. In either case, the municipality will need to determine:

- * the service area to be covered (e.g., apartments? condos?; private roads residences?);
- * the timing (same day as refuse collection?) and frequency (once/week or bi-weekly?) of collection;
- * materials to be collected and sorting responsibility
- * set-out container purchase details;
- * educational campaign parameters.

Private Collection Contract:

The above determinations will be required for the development of specifications to include in the "Invitation to Bid." In addition, the following elements may be varied in the structuring of terms and responsibilities within collection contracts:

- * combined or separate bids for collection of refuse and collection of recyclables;
- * combined or separate bids for collection of recyclables and tipping/receiving of recyclables;
- * marketing responsibility and costs or revenue from

- material sales;
- * payment for services based on flat annual charge or on tonnage handled;

The bidding procedure, contract award and subsequent contract management are the major demands on municipal officials under this approach. Note, however, that Governor Weld recently signed into law (Act of 1992 c. 153, ss. 11-15 and 23) an amendment to the Uniform Procurement Act (MGL Chapter 30B) which will significantly simplify and reintroduce flexibility to the municipal process of contracting for solid waste services. This amendment exempts "a contract for collection, transportation, receipt, processing or disposal of solid waste, recyclable or compostable materials" from the provisions of MGL Chapter 30B. Nevertheless, because these types of contracts frequently represent a large share of the community's annual expenditures, the Department recommends the use of an Invitation To Bid process for the procurement of solid waste and recycling services.

Publically Operated Collection:

Program design for a publically run curbside recycling operation is a complex task because of the many subtle details that must be mastered in order to create an efficient program. These include the proper selection or retrofitting of collection vehicles; route designation; crew size issues and more. For municipalities already in the business of curbside refuse collection, such planning decisions will be more manageable. Others may wish to consult DSWM for detailed guides on planning curbside recyclables collection, or, for data and contacts from existing municipally operated curbside programs.

For either contracted or publically-operated recycling collections services, there are many different ways to provide the service. The DEP Division of Solid Waste Management (Boston) can offer assistance to communities which are contracting out for curbside recycling services. For information, call Robin Ingenthron, Recycling Director, at 617-292-5962.

Yard Waste Composting:

(1) Yard Waste Material Covered by the Bans:

Yard waste that will be banned from disposal in landfills and combustion facilities includes (in addition to leaves), grass clippings, weeds, hedge/shrub prunings, garden waste and brush up to 3 inches in diameter, in excess of de minimis quantities. Woody material greater than three inches in diameter and diseased yard waste are not included in the ban.

(2) Options for Municipalities to Divert Yard Waste From Disposal:

There are three options for municipalities in diverting their yard waste from disposal. These are summarized below and are discussed in more detail in the following section:

- * Do not collect yard waste, leaving individual residents to home (backyard) compost or mulch, or contract to have the material removed for composting at privately owned facilities.
- * Do not collect yard waste, but offer residents access to a municipal compost facility.
- * Collect yard waste and compost at municipal facility or arrange for delivery to a commercial operation, such as a farm or nursery.

Residential Management Option for Yard Waste Diversion - Many communities in Massachusetts do not accept yard waste in the wastestream and do not provide residents with a municipal facility to compost this material. In such cases, residents manage their own yard wastes, usually through home composting.

It is suggested that communities promote home composting to their residents through composting workshops, provision of home compost bins at a discount (provided by manufacturers or subsidized by the municipality), and establishment of a permanent composting bin demonstration site in a public location. DEP has educational materials available to assist in public education efforts and offers regional workshops to train composting coordinators.

The benefits of establishing a home composting program in your community go beyond the management of yard waste. In many cases, vegetative food wastes can also be composted in home composting operations. This can result in a 30% reduction in the amount of residential waste needing collection and disposal. In addition, source reduction of yard wastes can be accomplished through the practice of leaving grass clippings on lawns and home chipping of woody materials for use as mulch.

Local Processing and Composting Option for Yard Waste Diversion - Over 200 Massachusetts communities compost leaves at municipally run operations. Many of these communities are already successfully incorporating grass and other yard wastes into their operations. Some contract out for operation of the compost facility.

DEP offers guidance for the incorporation of grass and other green yard wastes with leaves and/or shredded brush. The same processing (turning/mixing) equipment used for leaf composting can be used to compost grass. While composting grass and other green yard waste presents new challenges, it can also shorten the composting time and improve the quality of the compost product.

Brush and other thick stemmed or woody materials need to be shredded in order to efficiently compost or to produce a mulch product. Most communities currently employ hand fed chippers to process at least some of their brush. For many communities this may be adequate to process their brush up to 3 inches in diameter. However, the use of a larger tub or hopper fed shredder is better for handling large quantities of brush and material larger in diameter. For example, a small tub grinder usually processes 50 or more cubic yards an hour while larger grinders can process up to 200 or more cubic yards an hour. These larger tub grinders shred a wide variety of material from leaves and grass to large wood waste, as well as mixing them for efficient composting.

Municipalities with a leaf and yard waste drop off program should set aside a separate area for brush, which can be chipped on a periodic basis. Chipped or shredded brush may be used as mulch, composted, or kept on hand to mix with incoming grass clippings during the spring and summer.

Communities may find it most economical to contract with a commercial grinding service to process the brush. Coordinating with other communities in contracting for such services will facilitate the processing of large volumes of material, which is more efficient and cost effective. A regional purchase of brush processing equipment is another option for lowering processing costs for individual communities.

Disposal of de minimis amounts of brush, such as an occasional fallen limb, is allowed under the ban. Residents with large quantities of brush may find it necessary to hire private contractors to remove it, or to purchase their own chipper/shredders. Municipalities with curbside refuse collection who cannot staff curbside brush collection under their current budgets may choose to offer such a service to residents for a fee. Information on what residents' responsibilities will be with respect to yard waste should be made available, and should be included in any direct mailings on recycling.

Commercial Composting Option for Yard Waste Diversion - Communities which generate a quantity of yard waste too large to process and compost at their own site, or do not otherwise have the resources to operate a facility, may elect to send their material to a commercial operation. Commercial composting operations, including farms and nurseries, are likely to be able to process all types of yard waste. A list of commercial operations which accept municipal yard waste is available from DEP.

(3) DEP Municipal Assistance for Yard Waste Diversion:

A majority of Massachusetts communities compost their leaves. DEP provides them with technical assistance in planning, site selection, operation, maintenance, troubleshooting, and product end-use. DEP offers training workshops in throughout the state for municipal scale composting operations each spring and in the fall. Technical assistance efforts are now being aimed more on expanding existing programs to include other yard waste.

Additionally, home composting workshops are offered to teach the basics of composting and to provide resources to volunteers (forming a network of "Home Composting Coordinators") who then educate others in their communities about home composting. There are over 230 Home Composting Coordinators in Massachusetts.

The DEP has provided grants for municipal compost operations. This year, grants are providing large yard waste processing equipment to be shared on a regional basis.

For technical assistance, or to get copies of the materials listed below, contact the DEP composting program staff at (617) 292-5834. Please note that DEP regulations require registration with DEP of municipal leaf and yard waste composting programs. If your municipality has a composting program in place, but is not registered, please call the above number to receive a Leaf & Yard Waste Composting Registration Form.

DEP Materials Available on Yard Waste Composting

Home Composting:

* "Home Composting; Turning Your Spoils to Soil". This videotape, produced by the Connecticut DEP with technical assistance from the Massachusetts DEP, has been mailed to each main library in Massachusetts. It is 17 minutes in length and covers the procedures for home composting, mulching, and leaving grass clippings on lawns. It is appropriate for use in public presentations, for home viewing and may be aired on television or copied for educational purposes.

* "Strategies to Promote Source Reduction of Yard Wastes"; describes ways for municipalities to promote residential yard waste management. It contains descriptions and contact information for several commercial home composting bin manufacturers who offer special rates for municipal programs. Currently, at least 24 municipalities in Massachusetts offer bin distribution programs.

* Handouts, covering: basic "how-to" instruction, composting bin design, the biology of composting, vermi-composting (composting indoors with earthworms), audio visual resources, masters from which posters can be made, a bibliography, and an outline for a home composting presentation.

Residential Grass Clippings Management:

* "Don't Trash Grass: How to Implement a Program to Eliminate Grass Clippings from the Waste Stream in Your Community": a guide for municipal officials for educating residents about the benefits of utilizing grass clippings to improve lawns and gardens. Sources for obtaining audiovisual and other educational materials are listed.

* "Grass Clippings--Let Them Work For You": a "how-to" brochure on lawn care which highlights the benefits of replenishing soil nutrients by leaving grass clippings on the lawn.

* Lawnmowers: a buyer's guide to lawnmowers, including mulching capability, published in Organic Gardening, March, 1992.

* Home Chippers/Shredders: a copy of buyer's guide to residential chippers/shredders currently on the market published in Organic Gardening, March 1992.

Municipal Compost Programs:

* "Planning for a Municipal Leaf Composting Program". This document addresses the major issues and steps one needs to consider in planning a municipal leaf composting program. It provides information concerning composting technologies, site selection criteria, equipment needs, registration of the compost operation, collection, public education, program monitoring and evaluation.

* "Leaf and Yard Waste Composting Guidance Document". This is the Department's guidance for operators of municipal leaf and yard

waste composting facilities. It provides detailed information and instruction on how to site, design, equip and operate a leaf and yard waste composting operation. The guidance document includes sections on composting principles, site selection, site design, operations and maintenance. It also includes appendices on environmental impact control measures and a glossary of technical terms.

* "Notes For a Short-Course on Municipal Scale Leaf and Yard Waste Composting" . This is the outline of presentations given in the DEP's training workshops for municipal leaf and yard waste composting operators. It provides planning and technical information on the composting process in a simple format. Graphic presentation includes debugging procedures, windrow turning operations, site layout, method for tracking windrow temperatures, and factors affecting such temperatures. It features a troubleshooting guide for compost operation managers.

* "Recommendations for Grass Composting": from a pilot study conducted in Yarmouth, this publication describes the factors to be considered when composting grass clippings on a large scale, such as collection, siting, management, monitoring and odor control.

Application for Listing as a DEP-Approved Municipal Recycling Program

The following responses accurately describe the status of the municipal recycling program in the City/Town of _____ as of **March 15, 1993**.

A. Commitment to Recycling: Check at least one of the following:

- the municipality has maintained a drop-off program for the recycling of glass and metal containers for a minimum of three (3) years
- the municipality has established a curbside recycling program for glass and metal containers municipality-wide
- the municipality has enacted a mandatory recycling by-law, ordinance, or executive order which includes glass and metal containers

B. Public Education Efforts: Check at least one of the following:

- the municipality has expended a minimum of \$0.25 per ton of refuse disposed (i.e. landfilled or combusted) or \$20,000 annually (whichever is less) for public education activities to support recycling. Acceptable education expenses include, but are not limited to, a share of the salary and benefits provided to a recycling coordinator which reflects time spent on public education, media advertisements, mass mailings to residents, and recycling signage
- the municipality has a drop-off recycling program with clear and complete facility signage, and has conducted an annual mailing to all residents promoting the recycling program, and has run four public service announcements or newspaper notices on the program in the last year
- the municipality has a curbside recycling program, and has conducted an annual mailing to all residents promoting the program, and has run four public service announcements or newspaper notices on the program in the last year

C. User Access to Facility: Check at least one of the following:

- the municipality's drop-off recycling area is open the same number of days and hours as either (1) the municipal refuse collection area, or (2) local government office hours
- the municipality's curbside collection program for glass and metal containers is offered municipality-wide

continued -

If you have been able to check off at least one true statement under (A) commitment, (B) education, and (C) access, your municipality is eligible for listing as a DEP-Approved Recycling Program. If approved, the DEP will send a copy of a statement approving the municipality to the Chief Executive Officer, and will include the name of the municipality on the 1993 list of DEP-Approved Municipal Recycling Programs, to be posted or circulated to public and private refuse disposal operators in the Commonwealth. The DEP may require the municipality to submit documentation supporting this application.

Name of municipality's Chief Executive Officer: _____

Signature: _____ Date: _____

Seal:

Send Application To: **Willa Small Kuh, Director
Division of Solid Waste Management
Department of Environmental Protection
One Winter Street - 4th Floor
Boston, MA 02108**

For Board of Selectmen

Volunteer Coordinating Committee - October 5, 1992

Present: Witcomb, Husbands and Kadlec
Absent: Comstock, Powers, George, Lane

Meeting was called to order at 7:40 pm at Acton Town Hall.

Minutes of September 21, 1992 were approved as written. The tentative meeting schedule for 1993 was distributed.

Interviews: Interviews were conducted for persons interested in appointment by the Board of Selectmen to the Cable Advisory Committee.

Sharon Ingraham - Served on the Town of Sharon Cable Advisory Board from 1982 to 1987. She has lived in Acton for the past 5 years and in Massachusetts for the last 11 years. Her principal interest is in ongoing franchise compliance issues and the relationship between compliance and the law. She is involved in a business (Bewster Ingraham Consulting) which works with state and local governments in examining licence renewal applications. All of her work is on the consumer side of the business. She is currently working with the Department of Public Utilities in Connecticut and with the Montgomery County Maryland governments on licence renewal issues.

She indicated that Acton is still several years from cable renewal but that it is not too early to start examining compliance to the current contract. She suggested that it would be ideal to have a lawyer and people interested in local programming on such a committee.

Laura Hirsch - President of Acton Community Television Cable from 1989 to the present. Her principal area of concern is video production and access of these production facilities by network users. She is a local business owner (Tape-It Video Services) and has lived in Acton for the last 18 years and in Massachusetts for the past 20 years.

Ron Vavruska - Served on the original cable committee and is interested in the verification of compliance issues associated with the renewal of the licence. He is an engineer with the FAA working out of the Nashua Facility. He has live in Acton for the past 19 years and in Massachusetts for the same period of time.

John Covert - Served on the original cable committee and is interested in possible technical proposals for up-grading the current system to a state-of-the-art system during the contract renewal process. He indicates that he brings with him the ability to analyze technical data and is interested in the concept of competition in the cable television business. John is currently a software engineer at Digital Equipment Corporation and has lived in Acton and Massachusetts for the past 13 years.

Board Membership Needs: It was suggested that we advertise for openings on three boards: The Cable Advisory Committee, the Board of Assessors, and the Historic District Commission. The Board of Assessors needs 2 members, the Historical District Commission is looking for an Associate Member that is either an Architect or a Civil Engineer. The Commission on Disability also has openings for 2 new members.

No action on appointments were made by the Board of Selection during this reporting period.

No recommendations or votes were taken on appointments at this meeting.

Three interviews have been scheduled for the next meeting on Monday October 19, 1991.

The meeting was adjourned at 9:25 pm.

Charles R. Husbands, VCC, October 16, 1992.

cc: Town Clerk and Selectmen.



The Commonwealth of Massachusetts
 Executive Office of Environmental Affairs
 100 Cambridge Street, Boston, 02202 OCT 21 1992

WILLIAM F. WELD
 GOVERNOR

ARGEO PAUL CELLUCCI
 LIEUTENANT GOVERNOR

SUSAN F. TIERNEY
 SECRETARY

MEMORANDUM

(617) 727-9800

TO: EOE, LB
 FROM: David Shepardson, MEPA Unit
 DATE: October 15, 1992
 SUBJECT: EOE #9116 Redevelopment of Fort Devens
 CAC Membership

Massachusetts Government Land Bank
 Eric Knapp
 Land Bank
 One Court Street
 Boston, MA 02108
 (617) 727-8257 x244

Joint Boards of Selectmen
 Brett M. Doney
 27 Valley Road
 Sharon, MA 02067-1929
 (617) 784-0950
 (508) 772-6340 Ft. Devens

Joint Planning Boards
 Richard DeBoalt
 79 Shaker Road
 Harvard, MA 01451
 (508) 772-3968

Fort Devens Redevelopment Board
 John Sullivan
 Perland Environmental Technology
 8 New England Executive Park
 Burlington, MA 01830
 (617) 270-9888 - 0

Ayer Citizen
 Reverend Philip Goff
 Federated Church
 19 Highland Ave.
 Ayer, MA 01432
 (508) 772-2055

10/21
 CC: BOS -
 LOOKS LIKE WE DID NOT
 MAKE THE LIST.


Harvard Citizen
William R. Thurston
141 Bolton Road P.O. Box 299
Harvard, MA 01451-299
(508)456-3505

Shirley Citizen
Richard Hatch
3 Maple Street
Shirley, MA 01464
(508)425-4330

Lancaster Citizen
Lee Farnsworth
35 Pine Hill Road
Lancaster, MA 01523
(508)368-7931

Metropolitan Area Planning Council - MAPC
Minuteman Advisory Group on Interlocal Coordination - MAGIC
Donna Jacobs
MAGIC
456 Gleasondale Road
Stow, MA 01775
(508)562-6725 - H
(508)264-9636 - O

Montachusett Regional Planning Commission
MRPC
Laila Michaud
1427 Water Street
Fitchburg, MA 01420
(508)345-7376

Northern Middlesex Council of Governments
NMCG
Steven Boudreau, Chairman
153 Plain Road
Westford, MA 01886
(508)692-5422 - H
(508)433-0333 - O

Ayer Dept of Public Works
William G. Redfield
Brook Street
Ayer, MA 01432
(508)772-8240

EOEA #9116
Oct. 14, 1992
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North Central Massachusetts Chamber of Commerce
NCMCC
Ned Murray, Planning Director
Office of Planning and Development
Leominster City Hall
25 West Street
Leominster, MA 01453
(508)852-8510 - H
(508)534-7525 - O

Massachusetts Association of Conservation Commissions
MACC
Donald McIver
43 Foster Street
Littleton, MA 01460
(508)952-2706 - H
(508)264-2695 - O

Nashua River Watershed Association
NRWA
Carolyn Sellars
91 Ash Street
Townsend, MA 01469
(508)597-5309

Advocates for a Strong Economy with Responsible Transportation
ASERT
Nancy Reed
66 Randall Road
Bolton, MA 01740
(508)779-5345

Sierra Club - Greater Boston Group
Charles Mason
c/o The Sierra Club
3 Joy Street
Boston, MA 02108
(617)227-5339
(617)227-6126 - O

Massachusetts Audubon Society
E. Heidi Rodis
32 Brown Road
Shirley, MA 01464
(508)425-9167

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Michael Lanava
Fitchburg Industrial Commission
718 Main Street
Fitchburg, MA 01420
(508)345-9602
FAX (508)345-9595

Harvard W. Isakson, President
Worcester/Fitchburg Building Trades Council
47 Hoosatonic Street
Worcester, MA 01604
(508)791-4670

William Marshall, President
North Middlesex Savings Bank
7 Main Street, P.O. Box 469
Ayer, MA 01432
(508)772-3306

James Coull, President
J. M. Coull, Inc.
48 Junction Square
Concord, MA 01742
(508)371-0700 - O
(508)486-8900 - H

James Hashem, President
Diagnostic Instrument Corp.
4 Copeland Drive
Ayer, MA 01432
(508)772-4572

Paul E. Linet
360 Mass. Avenue, Suite 105
Acton, MA 01720
(508)264-9600 - O

JBOS offered working space and access to JBOS files and
information to CAC at the Base Reuse Community Resource Office
Base Reuse Community Resource Center
Fort Devens, Antietam Street, Building P-5
P.O. Box 350
Ayer, MA 01432-0350
(508)772-6340
FAX (508)772-7577

EOEA #9116
Oct. 14, 1992
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MEPA contact
David E. Shepardson
MEPA Unit
100 Cambridge Street
Boston MA 02202
(617) 727-5830 x304
FAX (617)727-2754

TOWN OF ACTON
INTERDEPARTMENTAL COMMUNICATION
TOWN MANAGER'S OFFICE

DATE: October 16, 1992

TO: David Abbt, Engineering Administrator
FROM: Don P. Johnson, Town Manager
SUBJECT: Fence Question, 103 Charter Road

Please review the attached letter from Mr. & Mrs. Holbrook regarding a fence they apparently wish to erect within the street ROW and advise me of your comments and recommendations. Upon receipt of your comments I will place the question before the Selectmen.

cc: Board of Selectmen ✓



Oct. 8, 1992

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

OCT - 8 1992

Re: By-Law Section E 39
Proposed Fence Site - 103 Charter Rd

To whom it may concern:

Our backyard property at 103 Charter Rd. is bordered by Arlington St near the Rt. 2 Bridge. Since moving to this location three months ago, we have found our two young children (age 2 & 4) enjoy playing in our backyard near this busy street. We also are aware when the Arlington St. bridge (currently under repair) re-opens, there will be a great increase in traffic. For safety & privacy reasons we would like to erect a 6' cedar stockade fence in our backyard.

After meeting with the Engineering Dept. at the Town Hall, ^{at our property} we understand the town marker for fence placement in our backyard starts at 15 ft. from the pavement. Because our property slopes down to our yard from the street, our proposed 6 ft. fence becomes shorter and less private if we comply with the 15 ft. town marker.

We request the Board of Selectmen to allow us to place the fence 8 feet from the pavement. We have already discussed this proposal with the Engineering Dept. and they recommended that we submit this proposal to you.

If you have any questions, please call us at 263-4446. Your prompt attention to this matter would be much appreciated.

Very truly yours,
Scott & Sally Holbrook

TOWN OF ACTON
INTERDEPARTMENTAL COMMUNICATION
TOWN MANAGER'S OFFICE

DATE: October 16, 1992

TO: Board of Selectmen ✓

FROM: Don P. Johnson, Town Manager

SUBJECT: 4-Way Stop @ Parker & High Streets

Some time ago members of the Board suggested that we consider employing a 4-way stop at the subject location. In order to properly advise the Board on this suggestion, staff had Vanasse Hangen Brustlin, Inc. review the intersection. As you can see from their final report (copy attached), the intersection does not "meet the warrant" for such a control.

Given this report, we have not pursued the question further. We have, however, acted on the recommendation contained in their last paragraph. You will note that David Abbt has written to Kevin Sweeney (copy attached) to discuss improvements on the property. (He is the current owner.) I will advise you of any significant accomplishments in this regard.

Unless the Board directs further, I shall assume that the actions noted above are satisfactory to the Board.

cc: David Abbt





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

September 24, 1992

Ref: 03334.21

Mr. David Abbt
Engineering Administrator
Acton Engineering Dept.
472 Main Street
Acton, MA 01720

RECEIVED
SEP 25 1992

ACTON ENGINEERING DEPT.

SEP 25 1992

Re: High Street at Parker Street
Multi-Way Stop Sign Review

Dear David:

We have completed a review of traffic and accident data furnished by the Town for the subject intersection given our discussion of potential four-way Stop sign control. Our review has determined that multi-way Stop control at the intersection is not warranted under any of the three possible conditions as described in the 1988 Manual on Uniform Traffic Control Devices (MUTCD).

The MUTCD suggests that Multiway Stop installation is useful as a safety measure at some locations. Any of three conditions may warrant this type of control which is appropriate when the volumes carried by intersecting roadways is approximately equal. These conditions include an interim measure at a location where traffic signal control is warranted and urgently needed, the presence of five or more accidents per year which are correctible by Multiway Stop installation, and a combination of minimum vehicular/pedestrian volumes and delay.

Within the High Street, Parker Street area, traffic volumes are not of a level to warrant signalization. Accident occurrence in the past three years has totaled six (6), or only two (2) per year. The intersection should continue to be monitored through this year as three collisions have been reported through September 15. We have also determined that total traffic use of the intersection exceeds 500 vehicles per hour for only six (6) hours per day and that Parker Street use, the minor approaches, exceeds 200 vehicles per hour for only one (1) hour during the day. MUTCD requirements for the vehicle use are 500 vehicles per hour for a minimum of eight (8) hours with a minimum of 200 minor street approach vehicles during the same eight (8) hours. Should these volume levels be achieved, further study of vehicle delay on the Parker Street approaches would be required as the third part of the volume warrant requires average side street vehicle delay of 30 seconds during the peak hour.

Further review of the volume warrant was completed based upon the presence of an 85th percentile speed in excess of 40 miles per hour on the High Street approach. (This is unsubstantiated but analyzed as a possible warranting condition.) In this case, it is possible to reduce volumes and delays by 70 percent to 350 vehicles total with 140 on the side street for eight hours, and side street delays of 20 seconds during the peak hour. Total entering volume^{2a} exceeded the 350 vehicle total for 13 hours. However, the Parker Street approach volume exceeded 140 vehicles for only six (6) hours.



Mr. David Abbt
Ref: 03334.21
September 24, 1992
Page 2

The primary problem within the intersection area appears to be poor sight distance from the southbound Parker Street approach to the westerly leg of High Street. This is caused by an embankment and stone wall in the northwest quadrant coupled with the High Street and Parker Street approach grades. While accident incidence within the intersection area should continue to be monitored, the Town may wish to consider some improvements in the northwest quadrant such as wall relocation to the High Street right-of-way line and possible slope easements behind the right-of-way line.

If we may be of further assistance, please call.

Very truly yours,

VANASSE HANGEN BRUSTLIN, INC.

A handwritten signature in black ink, appearing to read 'John J. Kennedy'. The signature is fluid and cursive, with a large loop at the beginning and a long, sweeping tail that extends to the right.

John J. Kennedy, P.E.
Director Traffic Signals

JJK/seh

Enclosure



OCT - 1 1992

ENGINEERING DEPARTMENT

472 MAIN STREET
ACTON, MA 01720

September 30, 1992

Lunn & Sweeney Corp.
c/o Kevin Sweeney
P.O. Box 280
Pepperell, MA 01463

re: High Street/Parker Street Intersection

Dear Kevin:

I am enclosing a copy of a letter from Vanasse Hangen Brustlin, Inc. (the Town's traffic consultant) concerning the possibility of multi-way (four way) stop sign control at the High St./Parker St. intersection. As you will note, VHB has determined that this option is not warranted.

However, on page 2 they suggest some improvements to the northwest quadrant of the intersection to increase sight distance. Would it be possible to discuss changes at this location prior to the sale of the old Whittle house? Dick Howe, Dean Charter and I could meet with you at your convenience to review alternative options to improve public safety.

Please call me at 508-264-9628 if you have any questions.

Very truly yours,

David F. Abbt
Engineering Administrator

DFA/dmj

cc: Don P. Johnson, Town Manager ✓
Richard Howe, Highway Superintendent
Dean Charter, Tree Warden

TOWN OF ACTON
INTERDEPARTMENTAL COMMUNICATION
TOWN MANAGER'S OFFICE

DATE: October 16, 1992

TO: Art Harrigan, Chairman, Finance Committee
FROM: Don P. Johnson, Town Manager
SUBJECT: Zoning Articles

The Planning Board is considering the two attached zoning amendments for the Annual Town Meeting. As you can see from my handwritten note to the Selectmen, they are in the preliminary stage at this time. Nonetheless, the Selectmen have asked that I forward these draft articles so that you will be aware of their existence.



cc: Board of Selectmen ✓
Planning Board



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION I

J.F. KENNEDY FEDERAL BUILDING, BOSTON, MASSACHUSETTS 02203-2211

October 15, 1992

OCT 19 1992

Mr. David Kronenberg
Manager of Environmental Affairs
Polyfibron Division
W.R. Grace & Co.
55 Hayden Avenue
Lexington, MA 02173

cc: BOS

Re: Government Party Conditional Approval of the Revised
Proposal for Phase I Field Investigation of the Blowdown
Pit, dated October 13, 1992.

Dear Mr. Kronenberg:

The purpose of this letter is to inform you that the U.S. Environmental Protection Agency and the Massachusetts Department of Environmental Protection (the Government Parties) conditionally approve of the October 13, 1992 Revised Proposal for the Phase I Field Investigation of the Blowdown Pit. The approval is conditioned upon the following changes to page 7 of the proposal which were discussed with William Swanson of CDM:

"All samples above a background limit of 10 ppm ~~that approach or exceed the 100 ppm criteria~~ will be sent to the off-site laboratory for confirmation.

"The pits will be excavated in 1 foot lifts with at least one sample from each lift taken at the highest OVM reading location."

The Government Parties require three copies of the final workplan as soon as it becomes available. If you have any questions, please contact me at (617) 573-9634 or Michael Leblanc at (508) 792-7653.

Sincerely,


Lynne A. Jennings

cc: Richard Boynton, EPA
Bill Pencola, Ebasco
Michael Leblanc, MADEP
Charles Tuttle, MADEP
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.



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

Don P. Johnson
Town Manager

October 16, 1992

Mr. Christopher Devaney, Executive Director
Acton Chamber of Commerce
75 Great Road
Acton, MA 01720

Dear Chris:

The Board of Selectmen will conduct their required annual public hearing on the issue of Tax Classification on November 10, 1992. I have attached a copy of the public notice that gives all of the details. Bill Lawrence and I discussed this some time ago, so I trust it does not catch you by surprise.

The Selectmen have asked that the Chamber be notified so that you may prepare any submissions you desire to provide for the Board's consideration. If possible, the Board would like to study your materials prior to the hearing. In order to achieve this, we would need to receive your documents no later than the close of business on Thursday, November 5. Ideally, if your information were available by Friday morning, October 30, we could send it in the Selectmen's weekend packet and any questions they may have could be addressed during the following week, prior to the hearing.

Very truly yours,



Don P. Johnson
Town Manager

cc: Board of Selectmen ✓
Board of Assessors
Finance Director

DPJ:432

 city of
**NEW
BRIGHTON POLICE DEPARTMENT**
803 FIFTH AVENUE NW • NEW BRIGHTON, MN 55112 • (612) 636-5050 • FAX: (612) 635-0326

**Town Manager
Information**

JOHN C. KELLEY
CHIEF OF POLICE

12 October 1992

OCT 19 1992

cc: BOS

Chief George W. Robinson
Acton Police Department
Box 2212, 365 Main Street
Acton, MA 01720

Dear Chief Robinson:

Congratulations on attaining accreditation by the Commission on Accreditation for Law Enforcement Agencies, Inc. You and your staff are commended for the years of critical self-examination and hard work necessary to gain accredited status. You and the members of your agency have demonstrated an on-going commitment to furthering the professionalism of law enforcement and a constant striving for excellence.

The New Brighton Police Department knows firsthand the amount of hard work that is necessary to achieve and maintain accredited status. I am certain your example will inspire other agencies to join the process.

Our accreditation manager maintains a display board with shoulder patches of agencies which have received accreditation. We would like to add your patch to our collection. Would you please send two patches; we will send two of our patches in return if you so indicate.

Welcome to the ranks of accredited agencies.

Sincerely,



John C. Kelley
Chief of Police



DON,
F.Y.I.
D.A.

10/16/92

PALMER & DODGE

One Beacon Street
Boston, Massachusetts 02108

OCT 13 1992

ACTON TOWN

Joseph F. Hardcastle
(617) 573-0473

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

October 5, 1992

Charles W. Trombley, Jr.
Land Court Department of the Trial Court
Room 408, Old Court House
Boston, MA 02108

Re: *Land Court Petition - No. 6690-S1991-09*

(GEO. E. RUTK. C. HANCOCK)

Dear Mr. Trombley:

Please withdraw the answer and appearance of the Town of Acton in the above-referenced matter.

Thank you for your assistance.

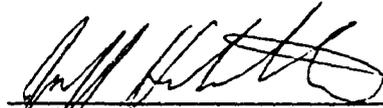
cc: BOS

10/20/92

Sincerely,

THE TOWN OF ACTON

By its attorneys,



Acheson H. Callaghan (BBO # 070060)
Joseph F. Hardcastle (BBO # 559479)
Palmer & Dodge
One Beacon Street
Boston, MA 02108
(617) 573-0100

CHARTER LANDCOURT ISSUE
RE "VARIABLE" ROAD WIDTH.
THE LANDCOURT REFUSED TO
CONSIDER OUR COMPLAINT.
NOTHING VENTURED ...
Don

cc: David F. Abbt
Louis N. Levine, Esq.
Acheson H. Callaghan, Esq.

COORDINATING COMMITTEE
OVERRIDE PROCESS - 26

AGENDA

October 26, 1992 (MONDAY) 7:15 A.M.
ROOM 114 JR. HIGH SCHOOL

- 1) Continuing Discussion of Draft FY94 Budget Guideline Assumptions.
- 2) Dore' Hunter wishes to discuss the School Choice Revenue and Expenditures report. Please see his notations on the attached copy of the report.

To Don
 For Coordinating
 Committee
 Agenda

10/20/92

School Choice Revenue & Expenditures
F.Y.'92 Revenue & Expenditures

	<u>A.P.S.</u>	<u>A.B.R.S.D.</u>	<u>Total</u>
F.Y.'92 Actual Receipts	\$137,748	\$427,047	\$564,795
F.Y.'92 Actual School Choice Expenditures (Salaries)	-\$63,973	-\$86,660	\$-150,633
F.Y.'92 Projected Legal Costs	—	\$-201,751	\$-201,751
F.Y.'92 Projected Balances	\$ 73,775	\$ 138,636	\$ 212,411

F.Y.'93 Projected Revenue & Expenditures 75% Tuition)

	<u>A.P.S.</u>	<u>A.B.R.S.D.</u>	<u>Total</u>
Based on 9/29/92 Enrollment of 70.5 (FTE) A.P.S. Students and 188 A.B.R.S.D. Students	\$234,901	\$ 746,861	\$ 981,762
F.Y.'93 Revenue to Reduce Costs to Taxpayers	-\$72,850	\$ -450,000	\$ -522,850
F.Y.'93 Existing Staff	-\$87,052	\$ -95,374	\$ -182,426

+22% Why?
 +10% Why?

F.Y.'93 Reallocated From Appropriated Budget	\$-30,251	\$ -72,354	\$ -102,605
--	-----------	------------	-------------

F.Y.'93 Additional Staff/Costs For New Students (156 New Choice Students)	\$-32,076	\$ -300,300	\$ -332,376
Will these additional staff costs also escalate at 10-22% / year?	\$ 12,672	\$ -171,167	\$ -158,495

\$2,130/student

F.Y.'92 & F.Y.'93 Projected Balances	\$ 86,447	\$ -32,531	\$ 53,916
--------------------------------------	-----------	------------	-----------

3/29/92

Under what previously accepted Coordinating Committee guideline was this change proposed? Why? What to be spent for? I would like some further ventilation.

Mobil Oil Corporation

10 N.E. BUSINESS CENTER DRIVE
SUITE #308
ANDOVER, MASSACHUSETTS 01810-1022

October 20, 1992

Attn: Don Johnson
Acton Town Manager
472 Main Street
Acton, MA 01720

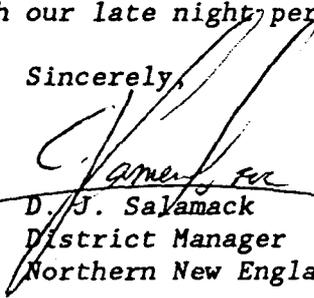
Re: STATION 01-JFH
WEST ACTON, MA

Dear Mr. Johnson:

Currently the West Acton Mobil Station is licensed to sell snack foods twenty-four (24) hours each day. It is our understanding that if we relinquish the permit to sell between midnight and six a.m., we could then sell all food products during the remaining eighteen hours. It is also understood that by relinquishing this permit, we may continue to sell both petroleum and tobacco products on a twenty-four hour basis.

If our understanding of this situation is correct, as described by Gary Roads, then we would prefer to relinquish our late night permit.

Sincerely,


D. J. Salamack
District Manager
Northern New England

CC: GARRY RHODES
DOUG HALLEY
GEORGE ROBINSON

10/23
PLEASE COMMENT AS
TO WHETHER MR. SALAMACK'S
UNDERSTANDING IS CORRECT.

LGR:lfm
10/20/92

CC: BOS -FYI



cc: BOS

RECEIVED & FILED
DATE Oct 20, 1992

TOWN OF ACTON
472 Main Street, Acton, MA 01720

Conrad O. Huber
TOWN CLERK, ACTON

HISTORIC DISTRICT COMMISSION

CERTIFICATE

Pursuant to Chapter 40C of the General Laws of Massachusetts and the Historic Districts Bylaw of the town of Acton, the Acton Historic District Commission hereby issues a

CERTIFICATE OF APPROPRIATENESS

for the work described in the accompanying Application and listed exhibits.

Applicant (owner) Town of Acton Telephone 264-9629

Address 472 Main Street

Location of work opposite 472 Main Street District: Center X West
No. Street South

Description of proposed work:

Replacement of eight existing 3000-watt incandescent light fixtures with four 250-watt halide fixtures around Davis Monument. All exposed portions of fixtures except lenses to be painted dark brown. Units are to be shielded with evergreen plantings which will be ca. 13" high at planting, and allowed to grow up to 30" high.

Conditions, requirements, recommendations:

Approval is for application as submitted, with plant material of euonymus fortuneae. As per the discussion of 9/24/92 between Anne Forbes, Dean Charter, and Don Johnson, it is our understanding that there will eventually be additional landscaping (such as annuals, barberry, potentilla, etc.) surrounding the euonymus.

When completed, the work outlined above must conform in all particulars to your Application approved on 9/28/92. The applicant may proceed with the proposed work provided all other approvals have been obtained, including a Building Permit when required. This Certificate is valid for work commenced within one year of the date of issuance. If a property changes ownership during the time the Certificate is in force, a new owner who wishes to continue the authorized work must apply to have a new Certificate issued in his or her own name.

Application received 9/28/92 Hearing date N/A

Certificate approved by Anne Forbes on 10/18/92
Historic District Commission Date

- copies to: Applicant
- Town Clerk
- Building Commissioner
- HDC File

Application # 9207



MASSACHUSETTS
BOARD OF APPEALS
(508) 264-9632

Selectmen
COVER LTR. IN PACKET
FULL DOC. IN RF

OCT 19 1992

NOTICE OF PUBLIC HEARING

The Board of Appeals will hold a Public Hearing on Monday

November 9, 1992, at 7:30 P.M. in the TOWN HALL Room 126

on the following petition:

by Jack Dunphy of Acton Survey & Engineering representing Kathryn J. McCarthy, 457 Great Road, for a PETITION FOR A VARIANCE from the requirements of the Zoning Bylaw, Section 5, to allow the construction of a single family dwelling at 11 Harris Street, in a "limited business district", with less than the required dimensional regulations as required by the Bylaw. The specific Variance would allow a 40 foot street setback and a 30 foot sideyard setback.

Petitioner must be present, or send authorized representative

BOARD OF APPEALS

By

Malcolm Burdine

Clerk

GRACE

CC: BOS

COVER of 2ND PAGE (SUMMARY TABLE)

FULL DOC. IN RF / RETAIN

Polyfibrin Division
W.R. Grace & Co.-Conn.
55 Hayden Avenue
Lexington, MA 02173

(617) 861-6600

OCT 19 1992

October 14, 1992

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

RE: Oil Recovery Program
51 Independence Road

Dear Mr. Halley,

Attached please find report data for the Oil Recovery Program at the closed Daramic, W. R. Grace plant in Acton, MA. Operations for this reporting period, July 1 through August 31, 1992 (3rd quarter) are reported to be normal with all equipment on line and operational.

Attached for your reference is a summary of monthly oil recovery data. (Attachment II)

If you require more information or if I can be of any assistance, please contact me directly at (617)861-6600 x 2353.

Very truly yours,



Ronald P. LeClair
Environmental Compliance Engineer

RPL/cr

cc: E. Benoit, DEP, Worcester
Chief Craig, Acton Fire Department
D. Johnson, Acton Town Hall
D. Kronenberg, Grace, Lexington

doc109

INTER-DEPARTMENTAL MEMORANDUM

TO: The Board of Selectmen
FROM: John Murray
DATE: October 20, 1992
RE: Selectman Hunter's Question: How did the current Management Information System evolve ?

The current collection of hardware and software began with the decision that the Town would use and tie into the School's financial system. I believe that this decision was based upon two concepts. The first being that School accounting is equivalent to Town accounting. The second was due to the fact that the schools had bought a new computer system for the students, and the old PDP-11 had adequate power and space to include the municipality using the MASBO financial software package (Please note: MASBO's financial software was designed for use by school systems).

The result is that the Town had an accounting system that did not:

1. Include an accounts payable aging module.
2. Include a tax collectors module.
3. Include a module that ties into The Registry's Motor Vehicle tax system.
4. Include an Assessor's/valuation module.
5. Include a Human Resources/Benefits module.
6. Include a What if? budget module.
7. Include a Clerk's/Census module.
8. Include a funds investment module.
9. Include a fixed asset module.
10. Include a fleet management module.

The second historic event was that The Police Department was authorized \$50,000 to buy hardware and software (DEC donated 50% of the cost of hardware and Pamet donated additional Fire software. Also the Police Department is very satisfied with their software). As the relationship between Pamet (an Acton Company) and the Town flourished, Pamet offered to write software for approximately 50% of the true cost for some of the needs listed above (Please note: the police and fire packages are their business lines). The basics of the arrangement was that Pamet would provide this software at half price as a public service and donate their programing staff's time, on a time available basis. The Town would purchase a Micro-Vax Two, in order to provide Pamet with the necessary hardware platform. In fact, Pamet more than lived up to its side of the deal, and provided not only programming (almost as needed in the first few years), but also acted as system manager.

Based on a Word-11 word processing module, Pamet wrote a hazardous materials package, a clerk's package, a septage permit tracking program, a tie in program for The Registry of Motor Vehicles Excise Tax program and the Collector's package (the collector's and clerk's programs are able to stand alone). They also notified us that they did not have the expertise to write an Assessor's package, therefore as part of the bid requirement for the 1988 Revaluation, a software package was required. Semiannually, Pamet takes about 5 man days to convert the Assessor's data to the collector's package.

The needs of the land use side of the house and employee benefit management have evolved on a PC platform, with over-the-counter software. (Please note: That none of these packages or the Pamet packages interconnect to the School's financial system or to each other).

In summary, the initial decision that the Town would rely on software designed specifically for school systems was seriously flawed. The effect of this error in judgement has been further compounded by subsequent judgments of not being able to afford an overall cure and a direction to Town staff to piece meal together the best solution possible over an extended time period. These decisions have led to 7 years of patchwork solutions to the symptoms, not the root cause of the problem.

INTER-DEPARTMENTAL MEMORANDUM

TO: The Board of Selectmen
FROM: John Murray
DATE: October 22, 1992
RE: Selectman Mullin's Question: How do we insure we get the best price for the computer package ?

Unfortunately, we will not get the best price. State law requires that we bid the software, the hardware, and the financing. The bid process as outlined by state law typically adds 15% to the "best street price", and precludes any negotiating with vendors.

NOTE TO BOS:

JOHN IS RIGHT WITH RESPECT TO THE SPECIFICS OF OUR PURCHASING REQUIREMENTS / RESTRICTIONS.

IN FURTHER ANSWER TO BILL'S QUESTION; HOWEVER, JOHN HAS ASSUMED THAT WE ALL REALIZE THAT SPECIFICATIONS AND BID REQUIREMENTS WILL CONTROL THE QUALITY AND FUNCTION OF THE SYSTEM WE PURCHASE.

IN THE FINAL ANALYSIS, THE QUALITY OF THE SYSTEM WILL DEPEND ON OUR ABILITY TO CONSTRUCT THE SPECIFICATIONS TO ^{OUR} REQUIREMENTS AND THEN TO ASSURE COMPLIANCE. THE PRICE WILL ^{BE} HIGHER THAN WE COULD NEGOTIATE ... BUT THAT'S THE LAW.



cc: BOS

October 19, 1992

Mary Lemos
206 High St.
Acton, MA 01720

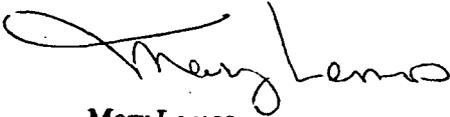
Al Lindsey
Cablevision of Hudson
577 Main St.
Hudson, MA

Dear Mr. Lindsey

I am writing this letter to address some concerns that I have over being informed that I cannot expect to have cable installed until next year. I am told that the reason that I cannot have cable is because I am part of a new neighborhood with underground utilities and that the cable system has to be designed. This has me confused as there are only nine houses in this new neighborhood with two additional houses on Parker Rd. High street. is a main road with many older homes. In fact, I was told by one of your customer service reps that neighbors up and down High Street have cable. I was also told that this design has not been done because Cablevision of Hudson did not know that our neighborhood was being built. I spoke with Kevin Sweeney of Lunn and Sweeney who told me that he had informed the cable company in March that he was putting in our neighborhood. I also spoke with two neighbors, Ann Guender and Wendy Tarsin, who told me that they requested cable in June. Even if we can assume a miscommunication with Kevin Sweeney's original phone call why wasn't the design done in June. You obviously knew there was a neighborhood at that point and you had two requests to have cable installed. When I called in August I was told that I had to have cable pulled to the street or I couldn't have cable installed. When I began arranging to have this done Lisa told me to stop as this would not do me any good and that I still couldn't be hooked up to cable. Can you give me a specific reason why my house cannot be connected to the existing cable system. My house is less than 200 feet from the street, the telephone poles are on my side of the street, and the farm house right next door to me has cable.

Additionally, can you provide me with a schedule of exactly when houses in our neighborhood can be connected to the cable system? Do you have guidelines available that can be provided to builders and the town manager's office clarify what steps need to be taken to prepare new homes for connection to your cable system. This could include how much notification you need to add a neighborhood or home to your system as well as who the correct people are to contact. Ultimately it is in your best interests to provide these guidelines as it is Cablevision of Hudson's responsibility to provide cable service to the town of Acton. I hope to hear from you in the near future regarding these concerns.

Sincerely,



Mary Lemos

cc: Ann Guender
Wendy Tarsin
Kevin Sweeney – President, Lunn & Sweeney Corp.
Don P. Johnson – Acton Town Manager

Water Supply District of Acton

cc: BOS

P.O. BOX 953
MASSACHUSETTS AVENUE
ACTON, MASSACHUSETTS 01720

BOARD OF WATER COMMISSIONERS
HARLAN TUTTLE BUILDING
693 MASSACHUSETTS AVENUE
ACTON, MA 01720

OCTOBER 26, 1992

AGENDA:

7:30 P.M. - CALL TO ORDER

7:31 P.M. - COMMENTS FROM CITIZENS AND OPEN DISCUSSION

ACCEPT MINUTES OF MEETING SEPTEMBER 28, 1992

NEW BUSINESS

WARRANTS & COMMUNICATIONS

BYLAW ON PROCUREMENT ACT LAWS

L & S BUILDERS - MR. KEVIN SWEENEY

DISTRICT EMPLOYEE

COMMISSIONERS MEETING NOVEMBER 30, 1992 WITH
GARDNER AND PRESTON MOSS 5:00 P.M.

OLD BUSINESS

GARAGE ADDITION

WATER MAIN LOOP - NASH ROAD

FLERRA LAND

MANAGER'S CONTRACT - INSURANCE

REGULATION - CHANGES IN WORDING

TOWN OF ACTON
INTERDEPARTMENTAL COMMUNICATION
TOWN MANAGER'S OFFICE

File
10/30/92

DATE: October 22, 1992

TO: Planning Board

FROM: Don P. Johnson, Town Manager

SUBJECT: Mill Corner - Common Land Ownership

The Board of Selectmen is in receipt of your letter of September 21 in the subject regard and wishes to express their appreciation for the opportunity to comment. After due deliberation they have asked that I communicate the following:

1. The Board agrees with your recommendation that the parcel identified as Portion 2A be accepted as Town owned land. Your memo discusses the use of this land for drainage easements and other purposes. Given this discussion, it is assumed that in accepting the land as "Town owned" we are all in agreement that future use(s) will not be restricted to the narrow limits that are usually associated with "Conservation Land".
2. The Board agrees that Portions 1B and 2B should remain in private condominium ownership with a future option to the Town to take ownership at no cost.
3. The Board would prefer to have Portion 2C handled the same as 1B and 2B.

In preparing conditions and agreements, you are urged to construct them such that options for Portions 1B, 2B and 2C may be exercised independently.

cc: Board of Selectmen



ACTON SCHOOL COMMITTEE

cc: BOS

Junior High Library

For October 29, 1992 Meeting

AGENDA

OCT 27 1992

- 7:30 I. CALL TO ORDER
- 7:31 II. STATEMENT OF WARRANT
- 7:35 III. RECOMMENDATION
 - 1. Recommendation to Accept Cash Gift from Friends of the Acton Libraries
- 7:40 IV. REPORT - Use of Space Committee - Parker Damon
- 9:00 V. WARRANT DISCUSSION
- 9:05 VI. ADJOURNMENT

CC: BOS

OCT 27 1992

October 24, 1992

Dore' Hunter
Prison Advisory Committee Liason

Dear Dore'

The Prison Advisory Committee met with the Superintendent of MCI Concord and his staff on 21 October for the regularly scheduled quarterly meeting. As requested by Nancy Tavernier, I asked that an agenda item be added to discuss the sewage disposal plant expansion. Superintendent Paul DiPaolo stated that about 40% of the sewage is being trucked to Fitchburg. MCI has been working with Concord on a shared system but the discussions have been going on too long. Because of pressure to get this problem taken care of the Department of Corrections has decided to go ahead with expansion of the MCI system on their own. They expect to break ground for the expansion during the week of 26 October. The project is expected to take about 2 years to complete.

The Superintendent has not been informed as to any excess capacity of the system when the expansion is completed. He suggested that the Board of Selectmen write to Commissioner of Corrections Thomas Rapone or to Robert L. Pouliot Associate Commissioner for Resource Management at the Department of Corrections. Mr Pouliot is in charge of this project. The address is Leverett Saltonstall Bldg. 100 Cambridge St. Government Center Boston, Ma. 02202.

I also asked the Superintendent about the expected Federal Prison at Fort Devens and if the State has any plans for the use of Fort Devens when it closes. He has not heard any plans for use of this facility nor has he heard of any plans for a shared facility with the Federal Government.

Please let me know if you have any further questions.

Sincerely

Harold R. Gordinier
Member, Prison Advisory Comm.

cc Jean Schoch

TOWN OF ACTON
INTERDEPARTMENTAL COMMUNICATION

October 26, 1992

TO: Council on Disabilities
FROM: Dean A. Charter, Municipal Properties Director *DAC*
SUBJECT: Pay phone at commuter parking lot

A question has been raised regarding the location of the pay phone at the Commuter Parking Lot in South Acton, and the fact that the phone presently is in a very remote location from the waiting area. Apparently this location was selected by NET when the lot was constructed some years ago, because they wanted it to be as close as possible to Central St. The issue has been raised that the present location is very inconvenient for persons getting off the train and needing a ride, especially if those persons have a disability of some sort.

I have contacted the person in charge of locating pay phones for New England Telephone, who told me that, due to the heavy usage of the existing phone, they would be very happy to install a second unit in the lot. The one proviso would be that any new location we might select would have to be in close proximity to both electric and telephone lines.

It is my feeling that the necessary conditions for an additional phone can be met at the waiting stand, when the contemplated renovations of the facility are undertaken. It is my understanding that the Selectmen will be viewing some plans for the renovated lot in the next month or so, and that the final changes, including provisions for an additional phone, can be made by Engineering after the Selectmen have made their comments. I will keep you posted with the progress of this project.

cc. *Town Manager*
Engineering

CC: BOS - FYI

DAC/163

D'AGOSTINE, LEVINE & GORDON, P.C.

ATTORNEYS AT LAW

288 MAIN STREET

ACTON, MASSACHUSETTS 01720-2929

508-869-7777

FAX 508-864-4868

JULIAN J. D'AGOSTINE
LOUIS N. LEVINE
STANLEY L. GORDON
F. ALEX PARRA
CATHY S. NETBURN

BOSTON OFFICE:
ONE BOSTON PLACE

CABLE "DALYN"

October 16, 1992

VIA FAX - 617-227-4420
AND FIRST CLASS MAIL

Acheson H. Callaghan, Jr., Esquire
Palmer & Dodge
One Beacon Street
Boston, Massachusetts 02108

cc: BOS

CONFIDENTIAL

Re: Rosemaria Sullivan and Harriet McFarland, Trustees of The DiDuca Family Trust vs. Town of Acton
Land Court Misc. Action No. 158-221

Rosemaria Sullivan and Harriet McFarland, Trustees of The DiDuca Family Trust vs. Gregory Niemyski, et als, As They are the Members of and Constitute the Planning Board of Acton
Land Court Misc Action No. 158-585

Dear Mike:

In furtherance of our telephone conversation, in an attempt to settle these matters prior to the parties spending substantial time and expense to prepare for trial, I would ask that you review these matters with the Planning Board. It appears that with respect to the subdivision litigation, the major disagreement between the parties relates to the prohibition of curb cuts along Route 2A. I would once again suggest that such a condition is beyond the Planning Board's authority to impose.

In an effort to settle both the subdivision litigation (157-585) and the zoning litigation (158-221), I would suggest a settlement proposal wherein the prohibition of curb cuts along Route 2A be stricken, and the Planning Board agree that the subdivision way need not be constructed, and the DiDuca Family Trust consider waiving its claims against the proprietary of the zoning amendments. Under the foregoing proposal, the eight (8) year plan protection would run from the date of the entry of judgment.

Please advise me as soon as possible as to whether or not the Planning Board is willing to seriously consider settlement of these matters.

Lastly, by this letter I confirm our agreement that the depositions scheduled for October 22, 1992 of Roland Bartle and Arne B. Fanton will be held at the Planning Board offices so that all of the documents in these matters will be readily available.

Very truly yours,

D'AGOSTINE, LEVINE & GORDON, P.C.

By: Louis N. Levine
Louis N. Levine

LNL/ams

s:\letter\callagha.wp

cc: Rosemaria Sullivan and Harriet McFarland, Trustees

October 21, 1992

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

CG: BOS - COVER LTR.
REPORT IN RF / RETAIN

Subject: W.R. Grace, Acton, Massachusetts

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

Dear Ms. Jennings and Mr. Benoit:

On behalf of W.R. Grace, Camp Dresser & McKee Inc. (CDM) hereby submits the revised Phase I Field Investigation Program for the Blowdown Pit. This submittal incorporates issues addressed by the Government Parties during and following the October 2, 1992 technical meeting including the October 15, 1992 conditional approval.

Please call if you have any questions.

Very truly yours,

CAMP DRESSER & MCKEE INC.

W. R. Conklin for P.E.

Bruce R. Conklin, P.E.
Associate

BRC:paa

Encs.

#798-115-RT-WKPL

DISTRIBUTION:

Lynne Jennings (6)
Edmond Benoit (3)

cc: D. Halley, Acton (3)
P. Reiter, GZA (2)
D. Kronenberg, Grace (1)
J. Swallow, Pine & Swallow (1)
B. Leach, Concord Board of Health (1)
D. Johnson, Acton (1)
W. Cheesman, FH&E (1)
C. Tuttle, DEP Boston (2)
J. Ayres, GZA (1)
S. Anderson (1)
H. Fox, Sierra Club (1)
C. Myette, Wehran-MDEP(1)
R. Eisengrein, ACES Tag Mgr. (1)



Commonwealth of Massachusetts
Executive Office of Environmental Affairs

Department of Environmental Protection

William F. Weld
Governor

Daniel S. Greenbaum
Commissioner

October 20, 1992

JOHN - PLEASE REVIEW AND ADVISE

John

Donald Johnson
Town Manager
Main Street
Acton, MA 01720

cc: BOS
R. HOWE

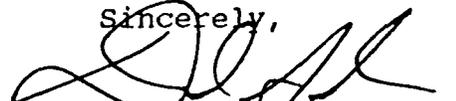
Dear Mr. Johnson:

I am pleased to inform you that the Town of Acton has been selected to receive a Recycling Equipment Grant Program award from the Department of Environmental Protection. Your program was among the first selected because the application represents a modest request for equipment which clearly demonstrates both the commitment and the ability to enhance recycling in your community. DEP will award your community with a grant of one roll-off container valued at \$3385.

Enclosed are Acton's grant agreements (an original and a photocopy). The grant agreement contains terms and conditions by which the Commonwealth will provide the recycling equipment to your community. Please sign and return both agreements to Susan Cascino in DEP's Division of Solid Waste Management.

If you have any questions, please contact Robin Ingenthron, Solid Waste Recycling Director, at 617-292-5962. Thank you for your continued dedication to recycling and environmental protection.

Sincerely,


Daniel S. Greenbaum

DSG/SQC/jb

Enclosure

cc: Senator Durand
Representative Resor

State upgrades its computer systems

By Lisa Shapiro
STATE HOUSE NEWS SERVICE

Computer expert Jay Wurtz contrasts Michael Dukakis and William Weld this way: In the late 1980s, the heyday of personal computers, Dukakis' office was filled with obsolete mini-computers. In Weld's office today, there's a PC on almost every desk.

Recalling the recent occasion when he mentioned to his aides that he wanted his own computer, Gov. Weld said with a smile, "I almost got laughed out of the room. They thought I wasn't up to it." But Weld and state employees are on the verge of crossing another frontier in the computer revolution.

Wurtz and other computer experts say a \$92 million, six-year information technology program, authorized in a bill signed by Weld Sept. 24 will be a big push forward for computerization in government. But, they caution, the state is already significantly behind the times.

"The previous administration didn't think it was important for the state to be using up-to-date systems," said Wurtz, chairman of the Governor's Advisory Committee on Information Technology and president of Open Books, Inc., a Cambridge software firm. "There is a tremendous amount of catchup to do."

Norman Rasmussen, president of SofTech, Inc., and a six-year member of the advisory committee, described state government's current computer capabilities as "solidly in the 80s. Considering that Massachusetts was once the center of the computer industry throughout the world, our record is not what it ought to be," Rasmussen said.

At Weld's request last month, the Democratic-controlled Legislature approved a six-year capital bond authorization for computer technology. The money will be spent on project development and computer hardware and software for two dozen projects at several government agencies, including the Comptroller's office, the Welfare Department, the Department of Mental Health and the Executive Office of Elder Affairs.

The benefit of the technology investment will be twofold. It is expected to bring the public a more efficient and productive state government and generate as much as \$200 million in combined savings and new revenues for the state, according to James Corum, director of Weld's Office of Management Information Systems.

"This is one of the largest capital bond authorizations for infotech the Commonwealth has ever had," said Corum, who has worked in the office since 1983, and tried to persuade Gov. Dukakis to switch to modern computers. "We will be getting a very nice return on our investment. In addition, there will be much more efficiency and better service to the state's customers."

Corum hedges when asked to give the state's current computer capabilities an overall grade. He

personnel payroll system. But he also mentions that Massachusetts is one of only three states in the nation without a federally sponsored computerized welfare eligibility system.

"Some of the stuff is great," he said. "Some of it is old and needs to be upgraded and modernized." For \$35 million, \$21 million of which will be reimbursed by the federal government, the welfare department will receive the Family Assistance Management Information System. Known as FAMIS, the system computes income eligibility for welfare programs, calculations that are currently done by hand.

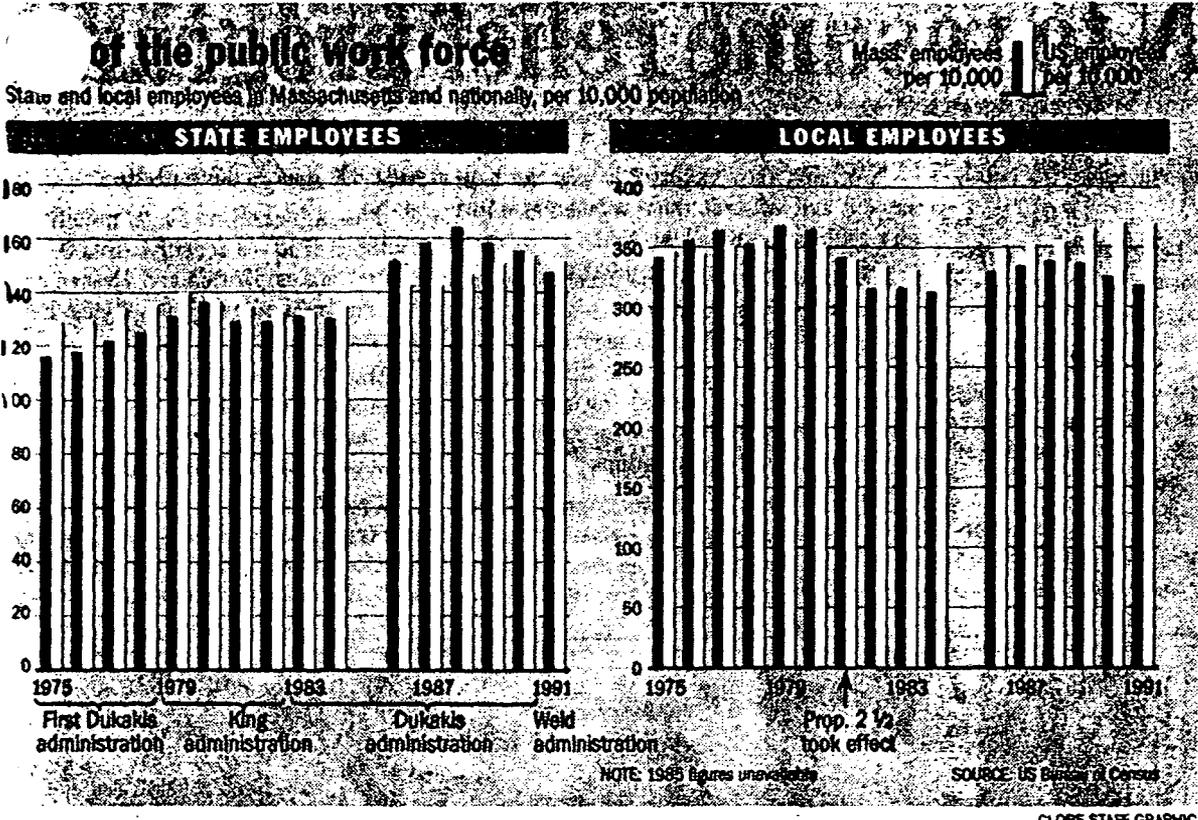
Corum estimates the system will save the state \$35 million a year once it is fully operational, about four to five years from now.

Mary Claire Kennedy, welfare department spokeswoman, said the system will allow caseworkers to spend more time with clients.

The Revenue Department is one of several areas of state government with advanced computer technology. Robert Melia, director of strategic planning for DOR, said computerization over the last decade has brought the department a long way, especially in the area of tax collection. Using a recent example, he said a computer billing program has increased delinquent tax collections from \$7 million in fiscal 1991 to \$8 million during the last fiscal year. "Automation had made an intense difference," said Melia. "In 1984, the most sophisticated tool we had was an electronic typewriter."

But he and others note there is more work to be done and point to a project in the works designed to save time. DOR case workers often conduct 45-minute interviews to determine the whereabouts or financial situations of a "deadbeat dad." A program now being developed will keep those cases in which the father is in jail or on welfare and unable to make payments out of the department's active casefiles, Melia said. He also mentioned the possibility of linking the executive and legislative branches by computer.

But computerization takes time and money. By Wurtz's estimates, state government must spend at least \$92 million every three years during the next decade to catch up and keep up. The borrowing authorization in the capital outlay bill calls for \$15 million to be spent annually over the next six years. "It will take at least 10 years to computerize everything that should be computerized," he said.



Mass. public work force shrinking, study says

By Brian McGrory
GLOBE STAFF

The size of Massachusetts' public work force was proportionally among the smallest in the nation in 1991, calling into question the state's reputation as a refuge for bureaucrats, according to a federal study.

Massachusetts ranked 48th out of the 50 states and the District of Columbia last year in numbers of state and municipal workers per 10,000 residents, a finding that inspired cheers from fiscal conservatives but spurred some accusations that officials have gone too far in their zeal to cut.

"This is why Bill Weld was elected," said Ray Howell, the governor's spokesman. "This shows we have shrunk the size of government and saved the taxpayers some money while continuing to provide basic and essential services."

Municipal officials and state union leaders, though, said it was shameful Massachusetts has fallen so far, charging that the numbers provide proof that the administration is cutting services to primitive levels. Only New Hampshire and Pennsylvania

CENSUS, Page 13

shrinking, federal study finds

■ CENSUS

Continued from Page 1

had fewer state and local employees in 1991, according to the US Census Bureau study.

"For Massachusetts to brag about its progressiveness and its position as the seat of the Constitution, and then to find out the complex issues of government are being dealt with by the third lowest number of workers in the country is shameful," said Russ Connor, the town administrator in Weymouth, which has reduced its work force by 20 percent in the last three years.

Said union president Celia Weislo, who represents more than 4,000 public workers: "They are not cutting fat anymore. They are cutting our legs off."

Massachusetts' low ranking is only partly due to a smaller public work force, which shrunk about 7 percent proportionally from 1988 to 1991. What also played a significant role in the state's ranking was the increase, on average, of the public work forces in other states during the same period.

Massachusetts' ranking follows three years of steady decreases in its municipal and state government work forces, coinciding with the end of the economic boom, the aftermath of former Gov. Michael Dukakis' failed presidential campaign and the election of Weld, the state's first Republican governor since 1975.

In 1991, Massachusetts had 465 state and local workers per 10,000 residents, compared to a national average of 523. The commonwealth's numbers are down from a high point in 1988, Dukakis' last year as governor, when there were 501 state and local workers per 10,000 residents.

But even then, Massachusetts still ranked slightly beneath the overall national average of 505. Indeed, despite the legend of the bloated public payroll and the political hack, the commonwealth has historically ranked below the national average in its numbers of public employees, according to Census data that was updated this week.

It is when state workers are separated from their municipal counterparts that the Massachusetts penchant for bureaucrats becomes apparent, according to the Census statistics. Except for the last two years, when the totals have dropped significantly, numbers of state workers in

Massachusetts have traditionally been higher than the national average, peaking in 1988, Dukakis' last year, when there were 164 state employees per 10,000 residents in Massachusetts compared to 147 throughout the United States.

Proposition 2½ played role

Meanwhile, the local government work force has trailed national averages ever since Proposition 2½ was passed in 1981, limiting the amount that municipalities could raise in local property taxes without voter approval. That year, local employee levels dropped from 341 per 10,000 residents - when it matched national averages - to 315 in 1982. In 1991, Massachusetts had 318 municipal workers per 10,000 citizens, compared to 371 nationwide.

"The statistics just prove what many of our people feel in the workplace, that they are expected to provide the same services with less staffing," said Weislo, president of the Service Employees International Union, Local 285. "You see less police, less staff, huge lines at the Registry of Motor Vehicles."

Usually leading the nation in numbers of municipal employees is Washington, which had 926 per 10,000 residents in 1991, as well as Wyoming and Alaska. The latter two usually rank high because those states must provide services to a small populations spread out over vast areas, according to Elizabeth Hovis, an analyst for the Census Bureau.

Recession cited

Most New England states, plagued by recession, had far fewer public employees than the national average last year, according to the study. Rhode Island was tied with Massachusetts at 465 workers per 10,000 residents, New Hampshire had 462 and Connecticut had 473. Maine and Vermont had 523 and 533, respectively.

In Massachusetts, Barbara Anderson, the head of Citizens for Limited Taxation, attributed the decline to Weld's attempts to vanquish Dukakis loyalists from the state government.

"Cutting the number of people wasn't the big issue," said Anderson. "The issue was getting rid of the Dukakis people."

But Sandy Felder, president of

the Service Employees International Union, local 509, representing 9,000 state workers, said the decline is coming at a time when the citizenry most needs government services.

"We have seen a reduction in the number of state workers at a time when people are more dependent on state government," Felder said. "We are seeing much more child abuse calls for social help, food stamps. You have a work force left there trying to be Band-Aids in a system that is not working."

Still, given the reputation of local and state government bureaucracies many officials were amazed at the decline.



The Commonwealth of Massachusetts
Executive Office of Economic Affairs

One Ashburton Place -- Room 2101

OCT 27 1992

Boston, MA 02108

WILLIAM F. WELD
Governor

ARGEO PAUL CELLUCCI
Lieutenant - Governor

STEPHEN P. TOCCO
Secretary

TELEPHONE:
(617) 727-8380

FACSIMILE:
(617) 727-4426

**CC: BOS - COVER LTR
MATERIALS PACKET IN RF.**

October 21, 1992

Dear City/Town Official:

Governor Weld recently announced a new Economic Development Package to encourage business growth and expansion in order to create more long-term, well-paying jobs in the Commonwealth. Enclosed please find briefing materials.

The main elements of the Administration's proposal are as follows:

- o Creation of the Massachusetts Development Agency as an umbrella organization for the quasi-public economic development corporations.
- o Creation of the Emerging Technology Fund, the Small Business Capital Access Program, and the Export Finance Program to ease the difficulty of obtaining financing for new advanced manufacturing facilities, small businesses and exporting activities.
- o Phase-out of the state capital gains tax.
- o Increasing the Investment Tax Credit from 1% to 3%.
- o Creation of Economic Opportunity Areas to provide communities with additional incentives to promote economic growth in distressed sites or sections.
- o Commitment of \$100 million in capital spending per year for five years to projects directly creating permanent jobs and a more competitive economy.

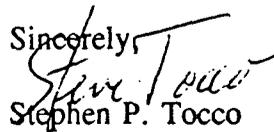
We also are continuing to conduct hearings for a statewide Economic Development Plan to be announced in December. This Plan will complement the legislation already proposed in meeting the specific needs of each of the state's regions.

I urge you to review the enclosed legislative package to see how it could help create and preserve jobs in your community. I request that you contact legislative leadership and your delegation to encourage swift passage of the legislation contained herein.

We would welcome any comments and recommendations you have. Please contact David B. Keto, General Counsel and Deputy Secretary for Policy at (617) 727-8380 if you have any questions or suggestions.

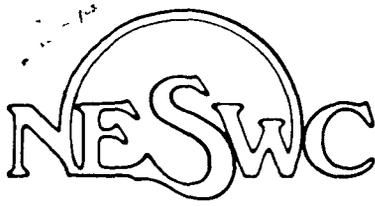
Together we can begin to create the economic growth that will help put Massachusetts back to work.

Sincerely,

A handwritten signature in black ink that reads "Steve Tocco". The signature is written in a cursive style with a large, sweeping "S" and a long horizontal stroke at the end.

Stephen P. Tocco

Secretary of Economic Affairs



CC: BOS - FYI

NORTH EAST SOLID WASTE COMMITTEE

MINUTES
of the
EXECUTIVE COMMITTEE MEETING
of
OCTOBER 22, 1992

This meeting of the Executive Committee was called to order by Chairman Robert Moroney at 1:37 pm. Those present were:

Robert Moroney (Manchester)	Henry Rugo (Lincoln)
Richard Spiers (Lexington)	John Graham (N. Andover)
Robert McQuade (Andover)	John Seites (Peabody)
Donald Marquis (Arlington)	Ed Barker (Winchester)
Richard Bowler (Arlington)	David Cregger (Winchester)
Steve Casazza (N. Reading)	Don Johnson (Acton)
Jeff Hull (Wilmington)	Peter Buhler (Financial Advisor)
Ruth Ellen Fitch (Palmer & Dodge)	

The minutes of the Executive Committee meeting of August 20, 1992 were offered for consideration. There being no objection, it was MOVED (McQuade), SECONDED (Marquis), and VOTED (Unanimous) to: approve the minutes as submitted.

The minutes the Executive Committee meeting of September 24, 1992 were passed over until the next meeting.

Item 3 of the agenda (Arbitration update by Peter Terris) was postponed until the next meeting.

The Chairman, Mr. Moroney informed the Committee that the Chairman of the Advisory Board, Mr. Halpin, has been soliciting proposals from three consulting firms (headhunters) to assist in the search for an Executive Director. Mr. McQuade noted, and Mr. Rugo confirmed, that in 1985 a subcommittee had conducted the job search and presented three finalists to the Executive Committee: the Executive Committee then made their recommendation to the Advisory Board. At this time, Mr. Seites MOVED to reject the hiring of a headhunter. Mr. Marquis SECONDED the motion. The motion was VOTED (3 votes for, 6 against) and DENIED. Mr. Johnson suggested that the new Executive Director should have a strong managerial/financial background with a basic understanding of engineering. Mr. Marquis and Mr. Graham then offered to work with Mr. Halpin on developing a plan for the Executive Director search. The issue was tabled until the next meeting.

Mr. Moroney then raised the issue of the Office Manager's compensation level. Mr. Marquis MOVED to table the recommendation of a 5% cost of living raise for the Office Manager. Mr. McQuade SECONDED the motion. It was then VOTED (3 for, 6 against) tabling the item. Mr. Rugo then asked the Committee to consider the potential of

losing the Office Manager. Mr. Spiers expressed concern of fair treatment for NESWC employees. Mr. Rugo then MOVED to grant a 5% cost of living raise to the Office Manager, effective July 1, 1992. Mr. Spiers SECONDED the motion. It was VOTED (7 for, 2 against). On the question of a guarantee of job security through December, 1993, Mr. Spiers MOVED to approve the motion. Mr. Rugo SECONDED. It was DENIED (3 for, 6 against). Mr. Marquis noted that any guarantee of this position is beyond the control of the Executive Committee.

The next item on the agenda was the selection of the Interim Contract Community Representative. It was MOVED, Mr. McQuade, to appoint Mr. Moroney as Interim CCR at a compensation level of \$28.00 per hour. He will also receive reimbursement for all automobile expenses at \$.27 per mile, as well as any out-of-pocket expenses he may incur. Mr. Spiers SECONDED the motion. It was VOTED (unanimous) to appoint Mr. Moroney as Interim Contract Community Representative.

The issue of Henry Rugo's Memo of September 22, 1992 was then raised. Mr. Marquis MOVED to table this item. Mr. Seites SECONDED the motion. It was VOTED (5 for, 1 against) to table this item at this time.

Mr. Moroney then raised the issue of marketing tons for the NESWC project. He stated that the proposal offered to Lowell still stands at \$34.00 per ton the first year, \$38.00 per ton the second year, and \$42.00 the third year. The Executive Committee agreed on this proposal, with some members suggesting a term of one or two years, with a maximum of three years. Mr. Marquis and Mr. Seites suggested that NESWC check into the spot market. Mr. McQuade volunteered to question Mr. Madigan on the contract rates for the spot market. The Committee then agreed that contracts for new communities be no more than three years in length. Mr. Johnson suggested that the Committee reconsider the issue of GAT reduction.

Ms. Ruth Ellen Fitch (Palmer & Dodge) opened the discussion on the Refinancing of the NESWC Bonds. She noted that Title Insurance is customarily carried with this type of financing. The Committee agreed to carry the Title Insurance. Mr. Rugo then entered into a brief discussion on the refunding and tipping fee schemes. Those in attendance implied that most of the issues were not clearly understood. The members then decided to ask Mr. Hopcroft to work with Peter Buhler on a report to the Committee. This report will detail the history of the Community Stabilization Fund, its sources and uses of money, along with its relationship to tipping fees. Mr. Jack Graham then related the concerns of the Town of North Andover, as Host Community, regarding the replacement of the Executive Director during such a crucial period. The Committee agreed that many issues have to be addressed at this time. Mr. Rugo stressed the need to fully understand the question of full defeasance of the taxable bonds. It was then determined that PFM will be requested to attend the Executive Committee meeting of October 29, 1992 to clarify these issues pertaining to the refinancing.

The hour being late, the members tabled all further business until October 29, 1992. This meeting was adjourned at 4:20 pm.

CC: BOS- FYI

COPY

TOWN OF ACTON
BUILDING DEPARTMENT

GARRY A. RHODES
BUILDING COMMISSIONER

472 Main Street Acton, Massachusetts 01720

(508)264-9632

October 26, 1992 OCT 27 1992

Mr. Howard Canning
Christian Science Society
267 Central Street
Acton, MA 01720

Re: Signs

Dear Mr. Canning:

I have just received the "Certificate of Appropriateness" from the Historic District Commission for the signs you would like to display at 267 Central Street. I was somewhat surprised that they allowed a sign with dark letters on a light colored background as this sign would be in violation of the Acton Zoning Bylaw, Section 7.4.1.3. The Commission does not have the authority to grant variances from the bylaw. If you wish to have the signs remain, it will be necessary to obtain a variance from the Board of Appeals. The forms can be obtained at the Building Department in the Town Hall. Once you have obtained their approval, it will not be necessary to obtain a sign permit.

If you have any questions, I can be reached at 264-9632, Monday thru Friday from 8:00 to 5:00.

Sincerely,



Garry A. Rhodes
Building Commissioner

GAR/vjs

cc: Town Manager
Historic District Commission
File

RECEIVED & FILED
DATE Oct. 20 1992
Conrad C. Huber
TOWN CLERK, ACTON

TOWN OF ACTON
472 Main Street, Acton, MA 01720

HISTORIC DISTRICT COMMISSION

CERTIFICATE

Pursuant to Chapter 40C of the General Laws of Massachusetts and the Historic Districts Bylaw of the town of Acton, the Acton Historic District Commission hereby issues a

CERTIFICATE OF APPROPRIATENESS

for the work described in the accompanying Application and listed exhibits.

Applicant (owner) Christian Science Church Telephone 263-7821

Address 267 Central Street

Location of work 267 Central Street District: Center West X
No. Street South

Description of proposed work:

SIGN: Individual letter sign for facade of 267 Central Street, as per application and sample letter submitted.

Conditions, requirements, recommendations:

Approval is for a sign of individual letters of the material and type submitted: capital letters in "Gothic" letter style, 4" high, cast aluminum, to be painted matte black.

When completed, the work outlined above must conform in all particulars to your Application approved on 9/28/92. The applicant may proceed with the proposed work provided all other approvals have been obtained, including a Building Permit when required. This Certificate is valid for work commenced within one year of the date of issuance. If a property changes ownership during the time the Certificate is in force, a new owner who wishes to continue the authorized work must apply to have a new Certificate issued in his or her own name.

Application received 9/21/92 Hearing date N/A

Certificate approved by [Signature] on 10/18/92
Historic District Commission Date

- Copies to: Applicant
- Town Clerk
- Building Commissioner
- HDC File

Application # 9205-A

COPY

TOWN OF ACTON
BUILDING DEPARTMENT

GARRY A. RHODES
BUILDING COMMISSIONER

472 Main Street Acton, Massachusetts 01720

(508)264-9632

September 11, 1992

Mr. Howard Canning
Christian Science Society
267 Central Street
Acton, MA 01720

Re: Signs

Dear Mr. Canning:

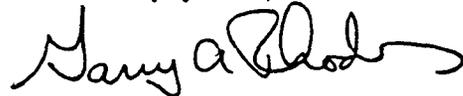
It has come to my attention that you have installed a freestanding sign at the above address. You also have a wall sign on the front porch. All signs require sign permits from the Building Department and in your case, since you are located in an "historic district", you will need approval of the Historic District Commission as well.

There are several problems with the design of the signs. Your signs show a light background and dark letters. The sign Bylaw requires these to be reversed which would result in a dark background and light letters. If you propose for the signs to remain as they are, it will be necessary to obtain a Variance from the Board of Appeals. The Zoning Bylaw allows for only one sign, however the Historic District Commission has the ability to approve or disapprove the additional sign.

You need to obtain the proper paperwork from the Town Clerk to file with the Historic District Commission for their approval. You may wish to contact Anne Forbes of the Historic District Commission for assistance with this matter. Once you have their approval, you can obtain a sign permit application from this office.

I appreciate your assistance in this matter.

Sincerely yours,



Garry A. Rhodes
Building Commissioner

GAR/vjs

cc: Historic District Commission
File

CHRIS - THIS IS THE LETTER I MENTIONED 7/21/92
YESTERDAY. LET ME KNOW IF THERE
IS ANY INTEREST.

OFFICE OF THE
BOARD OF SELECTMEN

P.O. BOX 229 • 13 JAY ROAD • HARVARD, MASSACHUSETTS 01751 • (508) 456-4100
FAX (508) 456-4107



DON JOHNSON

NOTE TO BOS - I FORWARDED
THIS INFO. TO CHRIS DEVANEY
@ THE CHAMBER OF COMMERCE
(SEE NOTE ABOVE) TO SEE IF
THEY HAVE ANY INTEREST. October 28, 1992

Don Johnson, Town Manager
472 Main St.
Acton, MA 01720

Don

Dear Don,

Attached you will find a concept paper for a North Central Massachusetts Revolving Loan Fund (RLF). This preliminary proposal for a regional micro-loan program has developed out of discussions between the North Central Chamber of Commerce, the Massachusetts Government Land Bank (MGLB), and the City of Gardner. A broader based meeting was held at the North Central Chamber of Commerce in Leominster recently to discuss more specifically the needs of the region with respect to the economic downturn and the negative effects on local business in conjunction with the downsizing of Fort Devens.

The first step on the strategy of developing the loan program was decided after meeting with officials from the Executive Office of Communities and Development (EOCD). They have encouraged the regional coalition to proceed with an application to EOCD's Ready Resource Fund. These funds would in turn be utilized as matching funds to compliment an application to the Economic Development Administration (EDA) Title IX Program. Both applications will be prepared by Mount Auburn Associates, a firm that the MGLB has employed to coordinate our efforts.

If your community wishes to participate in the proposed regional application for Ready Resource funds, and ultimately the EDA program, your active involvement in several steps is necessary. The tasks include:

1. Designation of a contact person that will be available to assist Mt. Auburn Associates in assembling the information necessary to complete the final application.
2. Compilation of the information to prepare the application. Specifically, the number of low/mod income persons in your municipality, the unemployment rate, number of business failures, i.e. information that will indicate how the recession and the Fort Devens re-alignment announcement has (or will) affected your business community. If you have prepared a recent EOCD grant application, the information contained in the community profile form would be helpful.

Don Johnson
Page 2, Cont.

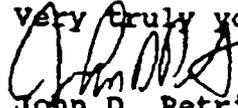
3. Review and approve a preliminary application which will be developed using the information provided by you. This preliminary application will be made up of a regional development strategy narrative and a detailed project description. Availability is expected in early November.

4. Participation in one of two regional public hearings in mid to late November.

5. Review and formal approval of final application by endorsement of Board of Selectmen.

This project may assist those businesses affected by the closure of Fort Devens. If you wish to participate in this particular program, please contact me ASAP. The information outlined in Section 1 & 2 above will need to be provided in a timely fashion.

Very truly yours,


John D. Petrin
Executive Secretary

Mt. Auburn Associates

408 Highland Ave., Suite 410, Somerville, MA 02144 • (617) 625-7770

MEMORANDUM

To: Mark Goldstein

From: Peter Kwass

Date: October 14, 1992

Subject: Concept Paper for North Central Massachusetts Revolving Loan Fund

Here is our cut on the design of the RLF, based on your initial piece and our discussions on the meeting of October 6th.

Objective: The objective of the RLF is to promote job creation and retention in the North Central Massachusetts region, with particular attention on jobs for low- and moderate-income residents, by addressing the financing needs of important existing or emerging sectors of the economy that are underserved by existing private and public business financing sources. In order to accomplish this objective, the RLF will focus on addressing three types of financing need:

- 1) The need for working capital to expand, modernize or restructure among existing smaller businesses that face tight credit market conditions brought on by several factors, including the weak economy, real estate losses in the banking industry, and more stringent banking regulation.
- 2) The need for startup capital among new entrepreneurs, including laid-off technical and professional employees of contracting high-tech firms like Digital, and at-home businesses. Local bankers and economic development professionals cite significant startup activity in the region. Yet entrepreneurs have difficulty obtaining small amounts of start-up financing. The decline in real estate values has reduced or eliminated the ability of many local entrepreneurs to obtain home equity loans, an important source of startup capital during the 1980s.
- 3) The need for working capital for new market and product development among businesses who currently depend heavily on the Fort Devens market. Many base-dependent businesses may not survive the closing of Fort Devens. But those that take initiative and develop sound plans to exploit new markets and/or change their product mix to recoup lost base-generated sales may need financing to put these plans into effect.

Existing development finance programs, including SBA and the state quasi-public financing institutions, do not fill these gaps.

Principles

The following principles should guide the design of the RLF:

- 1) The purpose of the RLF is to finance sound business ventures with a high probability of repayment. The loan fund will assume a reasonable level of additional risk relative to private financing sources in exchange for the prospect of significant economic benefit for the region.
- 2) RLF financings should lead to net job creation and retention. They should not substitute for existing private and public sources of financings. Nor should they shift jobs from one business to another within the region.
- 3) The RLF should focus on providing access to financing for sound firms that cannot obtain capital from other sources. The cost of capital is not an important issue, particularly in today's low-interest rate environment.
- 4) The RLF should be established on a self-sustaining basis in order to provide long-term economic benefit to the region.
- 5) Financing should be closely tied to technical assistance for portfolio firms, particularly in light of the types of financing needs being met and the types of firms being targeted.

Business targets

In line with its objectives, the RLF will target three types of businesses:

- 1) *Expanding, modernizing or restructuring firms that will create or retain jobs through RLF assistance.* In order to increase the likelihood that these loans result in net job creation and retention as opposed to shifting jobs from one local company to another, loans should be made to firms in the "traded sector". This is defined as firms that sell a high proportion of their products or services outside the region, sell intermediate goods that are used in products and services sold outside the region, or sell products and services that substitute for those that would otherwise be imported into the region. This generally would exclude retail businesses and businesses that provide services to local consumers.
- 2) *Small startups.* Because the region has an interest in promoting entrepreneurial activity of all kinds, the types of products or services of these businesses should not be limited. However, the potential for new job creation should be given strong consideration in lending decisions.
- 3) *Existing businesses impacted by the Fort Devens closing.* Loans should be made available for new market and product development to businesses that can demonstrate that a substantial proportion of their existing sales (one-third or more) are base-dependent.

Firms providing a majority of jobs to low- and moderate-income residents will particularly be targeted.

Geographic boundaries

Approximately 25 cities and towns from Shirley in the east, the New Hampshire border in the north, Athol in the west, and communities North of Worcester in the south, will be invited to participate.

Types and terms of financing

In line with the business targets identified above, the RLF should provide two types of financing:

- 1) Working capital for established businesses (including expanding, modernizing or restructuring traded-sector businesses, and based-dependent businesses). Loans should be provided on the following terms:
 - o up to \$50,000;
 - o maturities of up to 5 years;
 - o market rates (prime plus 1-3);
 - o up to 50% of total financing, with the remainder covered by bank financing or other private financing sources. The total financing package can include fixed asset financing;
 - o secured by inventories, receivables and subordinated positions on corporate fixed assets or personal assets of owners;
- 2) Microloan financing for startups and early stage businesses, to be provided on the following terms:
 - o up to \$10,000
 - o market rates -- rates should reflect the high level of risk associated with these loans (this could be done creatively by reducing payback burdens while enabling the RLF to share in the business' upside potential);
 - o maturities of up to five years, with the possibility of principal and interest deferrals in the first year;
 - o up to 33% of total financing, with the remainder provided by the entrepreneur or other private financing sources. The lower rate of RLF participation reflects the higher degree of risk of these loans;
 - o secured by business or personal assets.

Capitalization

A capitalization target of \$1,000,000 should be established. Seventy-five percent, or \$750,000 should be sought from the Economic Development Administration (EDA) Title IX Program -- through either its SSED (Sudden and Severe Economic Dislocation) component, or specially targeted defense adjustment funding. EDA requires a local match of at least 25%. The \$250,000 match should be sought from the Massachusetts Executive Office of Communities and Development through the Small Cities Program Ready Resource Fund.

Management

The management structure of the RLF will be worked out in detail once a concept for the RLF is agreed upon. The basic outlines should include:

- o distinct management of the working capital and microloan components of the fund -- the different business targets require different lending and monitoring procedures and different technical assistance arrangements;
- o marketing and initial screening conducted by participating cities and towns and local economic development organizations;
- o RLF staffed by North Central Massachusetts Chamber of Commerce (which already operates an SBA 504 Certified Development Company) and the City of Gardner; loan servicing handled by a local bank;
- o loan advisory committee composed of lending, small business owners and business assistance professionals (e.g., SBDC, accountants) approves loan proposals;
- o administrative costs covered by loan interest earnings, administrative grants obtained from EOCD (no part of the initial EDA grant can be used to cover administrative costs), and a two-point servicing fee charged against each loan; any balance to be raised from local sources.

Technical assistance

Provisions should be made to identify all available sources of technical assistance in the region and to actively secure technical assistance to loan recipients as needed. Special provisions should be made for providing ongoing advice and assistance to microloan recipients. Options to be explored include monthly counseling sessions with the Small Business Development Center at Clark University and the development of peer counseling through lending circles.

TOWN OF ACTON
INTERDEPARTMENTAL COMMUNICATION
TOWN MANAGER'S OFFICE

DATE: 10/28/92

TO: The Board of Selectmen
FROM: John Murray 
SUBJECT: Roy Smith's letter of 10-26-92

The attached letter from Roy Smith, speaks for itself. We are concerned that Roy has misread the approval of the building permit as approval of the project by the Town. In fact, the building department had no legal basis based upon the building code for refusal. We believe that the question of acceptance of the building is still pending. Staff will seek direction from the Board concerning any further action.



• TEL. (508) 263-0011

292 GREAT ROAD • ACTON, MA. 01720

REALTOR

October 26, 1992

OCT 27 1992

John Murray
Town of Acton
472 Main Street
Acton, MA 01720

Re: Your letter of June 21, 1992
Audubon Elderly Center

Dear John,

As you are aware, construction is underway on the Elderly Center. Eric has pulled the building permits and construction is underway. In regard to your referenced letter, the following responses are appropriate to your questions 1 through 12:

1. February of 1993 - Occupancy the same if you can occupy on the primary coat of asphalt. We doubt at this time that both coats can be applied prior to the closing of asphalt plants.
2. Are on the current specs for the permit.
3. We are still negotiating final contracts.
4. Are now included.
5. There are no longer any wall units. The ceiling units exceed the lighting code.
6. The garage will be renovated with new siding and one overhead door. No windows will remain.
7. The offices are lighted and carpeted.
8. In regard to the heat, we are structured for propane or natural gas. If you are going to provide natural gas, the service should be brought to the northernmost basement wall. Eric can show the gas company where to terminate the service. This should be done soon if you plan to provide natural gas. Otherwise, we will have the propane tank delivered.
9. Fine. The town will be required to pump the grease trap quarterly and the septic tank serving the Elderly Center every six months. I believe that is reasonable considering the

potential impact to thirty homes if the grease got into the system. We can modify this schedule once flows are established.

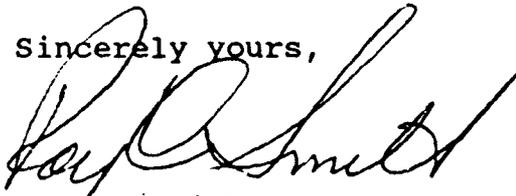
10. See No. 8.

11. Done--in fact, already installed.

12. The plans show one per patio. It should be adequate. If you are concerned about location, Gary has the permitted plans.

We are watching the sales carefully but expect to be funded for the above schedule. Of course, none of us knows what the impact of the election will be on our sales.

Sincerely yours,

A handwritten signature in cursive script, appearing to read "Roy C. Smith".

Roy C. Smith
President

RCS/jws

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

John Murray
Assistant Town Manager

June 21, 1992

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

Dear Roy:

Thank you for the specifications and the progress plan concerning The Senior Center that were attached to your letter of May 29, 1992. Staff has reviewed those documents and have met with Roy Trafton and Carol Lake. In general The Council on Aging and staff was satisfied with the specifications, but we feel that a few items are still outstanding. They are as follows:

1. A completion date
2. Vinyl siding, trim, downspouts and gutters are conditionally acceptable subject to final specifications and color.
3. Please breakdown the cost for the floor coverings to a material cost and a labor cost component.
4. The lighting/electrical specification does not include the ceiling (3 ea./room) fans for the dinning room and the recreation hall.
5. Please provide the number of lumens provided by the wall mounted fixtures in the dining room and recreation hall.
6. The garage, which was to replace basement storage, is of very limited use without heat, and is not included in the specifications.
7. Offices should also be included in the list of

areas to be carpeted and lighted.

8. The Town has stipulated that it will dig the trench necessary for natural gas to the Senior Center, but it has not agreed to pay for hook-up.
9. The Town has stipulated that it will design and expand the septic field. Further, it has agreed that it will comply with all local and state regulations concerning the design and expansion as to the amount of permissible seating and maintenance of the grease trap. The Town will not agree to pump the entire septic system for the North Phase twice a year.
10. That the gas heat be natural gas if that becomes agreed upon.
11. That the kitchen be equipped with a floor drain.
12. That the number of exterior outlets per patio be further defined.

It is our hope that we can resolve these few outstanding items and move past the conceptual stage onto a review of a complete set of plans. Thank you for your time and cooperation.

Sincerely Yours,

A handwritten signature in black ink, appearing to read "John Murray", with a long, sweeping horizontal line extending to the right.

John Murray
Assistant Town Manager

October 25, 1992

TO: Board of Selectmen, Town Manager, Council on Aging
FROM: Nancy Tavernier
SUBJECT: Senior Citizen tax rebate program

Attached is information on a new program just begun in Chelmsford, Mass., modeled on a similar program from Littleton, Colorado. This program sets up a senior citizen volunteer work force for both the municipal and school departments and "pays" the workers through an abatement on their property tax bills. It is an intriguing idea that I think is worth our review.

The basic program, as I understand it, is the following:

1. The town (or schools, or both together) appropriates a sum of money (e.g. \$25,000) at Town Meeting for an Elderly Tax Program. This money will be used to offset the tax abatements given to elderly volunteer workers.
2. To be eligible, the volunteers must be at least 60, own their own home, and reside in it.
3. They must apply for jobs that have been identified by town and school departments. They are interviewed and must be accepted.
4. They can only work a maximum of 100 hours per year and be "paid" at minimum wage or \$5.00 an hour.
5. When paid, the check is given to the town treasurer in their name to offset their property tax bill for that year.

Essentially the money is used by the town to pay back to itself but if \$25,000 were expended at the rate of \$5.00 an hour, we would benefit from 5000 hours of labor each year without the financial burden of benefits, etc.

Some of our current needs that could be met this way include: library work, town hall research of records and file organization, grounds work, phone answering during lunch, senior center maintenance, library book shelving, recycling center monitoring, clerical work..... plus the many opportunities at the schools. The program would require a coordinator, but that person could be a paid volunteer also.

Let me know if there is interest in pursuing the idea.

SENIOR CITIZEN TAX REBATE PROGRAM
A LOCAL OPTION FOR YOUR COMMUNITY

OCTOBER 17, 1991

Report prepared by: Brenda Callahan, of Chelmsford
and funded by: Elder Services of the Merrimac
Valley through Title III of the
Older American Act of 1965

In the fall of 1989 the Littleton, Colorado Board of Education approved a pilot program which allowed senior citizens to work off a portion of their school property taxes by working part-time in the local schools.

Briefly, the Colorado program which was put into effect in January 1990 provides that seniors--mostly on fixed incomes --work in the schools and district offices and the monies earned are applied against their property taxes.

In the beginning the seniors were paid at the rate of \$4.00 an hour up to a maximum of \$450.00. In April of 1991 this amount was raised to \$4.25 an hour to comply with the Federal Minimum Wage Law.

The program, designed to benefit students, schools and senior citizens alike, is managed by a coordinator under the supervision of an advisory committee. The coordinator's duties include identifying job openings, recruiting qualified seniors, referring applicants to the proper department heads and processing the paperwork.

The program coordinator conducts the initial interview. If he is satisfied with the senior's qualifications, an application form is filled out. The applicant must also provide a copy of his/her tax bill. The senior is then referred to the department head who has previously forwarded a job request to the coordinator. The department head then makes the decision to hire or not based on his interview with the applicant.

If the senior is hired, he/she receives a description of the job duties and the hours to be worked. A duplicate copy is given to the program coordinator. The senior keeps a time sheet which is verified by his/her supervisor. When the assignment is completed the time sheet is turned over to the program coordinator who prepares a voucher for approval by the proper authority. The voucher is then processed to allow for payment to the senior.

There are, of course, eligibility requirements....the senior must be sixty years of age or older, and the owner and resident of the property for which the abatement is sought.

At the end of its first year the Denver Post reported that about 130 people in Littleton and Douglas County are participants in school district tax rebate programs, and that the Denver School Board had just approved a similar program; in fact, in the year in which the Littleton program has been in operation it has proved so successful that it is being considered by an increasing number of other Colorado school districts, as reported in a December 30, 1990, article by Janet Bingham, The Denver Post education writer.

It is interesting to note that payment varies from \$450.00 a year in Littleton to \$530.00 yearly in Douglas County and \$250.00 a year in Denver.

Callahan
Tax Rebate Program

The Littleton, Colorado program came to the attention of Chelmsford (MA) Council on Aging Director Martin Walsh who has proposed that a similar program could be instituted in Chelmsford, although not necessarily confined to the schools alone as in Colorado. The proposed Chelmsford program would include not only the schools but the Senior Center and various town departments.

A community advisory board has already been established with Albert Leman, president of the Friends of the Senior Center, as coordinator. Besides Director Martin Walsh, other members of the advisory committee include Dr. Howard Moore, Scott Johnson, Director of community Education, and Ms. Carolyn Hubers, Elder Services of the Merrimack Valley.

The project has received the approval of Chelmsford Town Manager Bernard Lynch and James Doucezewicz, Town Finance Director.

Funding would be provided by the Town of Chelmsford. The rate of payment would be comparable to that paid in Littleton, Colorado, or possibly even slightly higher. Mr. Doucewiczc suggested that the town manager enter the proposed amount in the budget under a line item (i.e., Elderly Tax Program). In order to alleviate any possibility of the monies being diverted for purposes other than those provided in the program (tax rebate), Mr. Douczewicz stated that the procedure for payment would be to issue a voucher, a check would then be drawn marked "Special" and the check would then be returned to the Treasurer's Office as an offset against the taxes owed.

The same eligibility requirements as those in Colorado would apply, i.e., the applicant must be sixty years of age or over, must provide proof of ownership and taxes paid, and must live in the residence for which abatement is sought.

It was the opinion of both Town Manager Lynch and Finance Director Douczewicz that any problems which might arise would be minor, and easily adjusted.

It is evident that the program would be beneficial not only to the seniors who would be employed but to the Town of Chelmsford as well. Needy seniors would benefit financially from the tax rebate while the town would obtain the services of competent, temporary, part-time employees at a substantially lower rate of pay. If the Chelmsford project proved successful it could lead to other Massachusetts communities following suit, as in Colorado.

Helping out while taking a break

By CHRISTOPHER SCOTT
Sun Staff

CHELMSFORD — Pigeon nests, genealogical research and tax breaks.

For most people, they don't have much in common. But for Cliff Choquette, they're all in a day's work.

Choquette, 76, is one of the first participants in a new municipal program that gives elderly residents a maximum \$500 break a year on their property taxes in return for municipal service.

During Choquette's first few days of work for the public library department, he removed a pigeon nest from a window sill and traced the roots of

prominent Chelmsford families.

"I'll work anywhere — the Town Hall, the Police Department, anywhere," said an enthused Choquette. "Just as long as it isn't heavy labor."

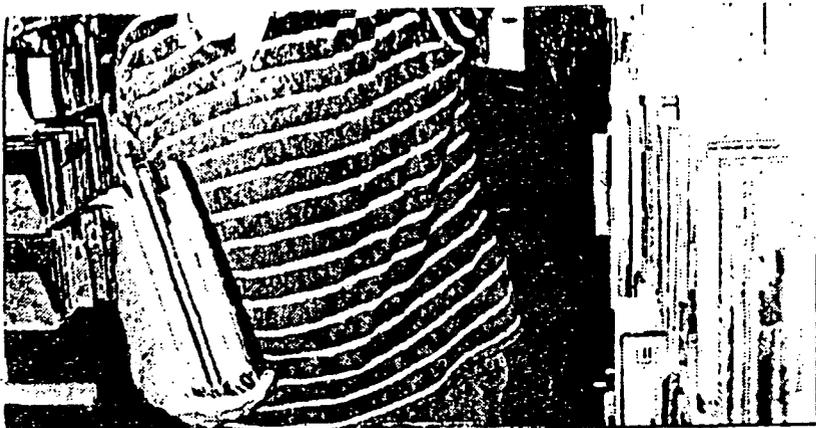
Since the program was launched by Marty Walsh, director of elder affairs, in mid-summer, 50 elderly residents have filed applications to participate. To date, Walsh has placed one other resident besides Choquette: a 68-year-old woman who works in the building inspector's office helping with filing recordkeeping and other clerical duties. The woman declined to be identified or interviewed for this story.

By the end of the month, Walsh hopes to place two more residents with the accounting and public works departments. As department heads become more aware of the program, Walsh is confident that he will be able to place the other 46 applicants "within three or four months."

"It's really a tremendous program," Walsh said during an interview last week. "Not only does it help the seniors with their tax bill, it keeps them active and gives them a chance to give something back to the community, which many want to do."

Chelmsford's program is based on a program that was

Please see SENIORS/15



Volunteer Cliff Choquette replaces books to their shelves at the Children's House library in Chelmsford. SUN/BILL BRIDGEFORD

Helping out while taking a break

SENIORS/From Page 13

launched in Littleton, Colo., in January 1990. In Littleton, elderly residents earn money for working in the public schools. Their earnings, in turn, are applied against their property taxes.

Chelmsford's program is similar. Walsh said that when the program is in full swing, 50 people will be paid \$500 each after working a maximum of 100 hours during the 1993 fiscal year, which began July 1. At the completion of their term, a \$500 check will be written in their name and the town of Chelmsford, then applied against their property taxes.

Littleton's program is restricted to the schools, but Walsh intends to involve every municipal department.

"These people have a tremendous amount to offer," said Walsh. "The professional benefits can be overwhelming."

Last year's town meeting appropriated \$25,000 of the current \$46 million budget to pay for the program, which has received full support from Town Manager Bernard Lynch.

Walsh said Chelmsford — where the average property tax bill is \$2,200 — is the only community in the state offering such a program. Like many other communities, Chelmsford already offers low-income residents over age 70 property tax breaks based on income and savings levels.

Eligibility requirements for the municipal work program stipulate that residents must

be age 60 or older, a homeowner or current spouse, and occupy the property for which the taxes are paid. Only one participant per family is allowed in the program.

For Choquette, working at the library is sort of a homecoming since he has been a library volunteer for nearly two decades.

Although Choquette acknowledged that financial considerations figured into his decision to participate, a special affinity he feels toward public libraries in general weighed more heavily.

"I've been going to public libraries regularly since I was six," said Choquette, who grew up in Newton. "I've always had a special interest in libraries."

Choquette said he enjoys the variety of chores the job offers. For example, he usually traces the roots of prominent Chelmsford families, but recently he was asked to remove a nest built by pigeons on a windowsill at the Children's House.

"Cliff is just great," said Library Director Mary Mahoney. "He does everything from attic cleaning to genealogical research."

The library conducts the research at the request of residents, both local and those from other towns or states, and it's quite time-consuming for the library staff, Mahoney said.

Choquette is "especially valuable" on genealogical research on prominent Chelmsford families, Mahoney said. "We really depend on him a lot."



The Commonwealth of Massachusetts
Executive Office of Environmental Affairs
100 Cambridge Street, Boston, 02202

WILLIAM F. WELD
GOVERNOR

ARGEO PAUL CELLUCCI
LIEUTENANT GOVERNOR

SUSAN F. TIERNEY
SECRETARY

October 15, 1992

(617) 727-9800

CERTIFICATE OF THE SECRETARY OF ENVIRONMENTAL AFFAIRS
ON THE
ENVIRONMENTAL NOTIFICATION FORM

*Draft
Preliminary
Scope*

PROJECT NAME : Redevelopment of Fort Devens
PROJECT LOCATION : Shirley, Ayer, Lancaster & Harvard
EOEA NUMBER : 9116
PROJECT PROPONENT : Massachusetts Government Land Bank
DATE NOTICED IN MONITOR : July 8, 1992

Pursuant to the Massachusetts Environmental Policy Act (G. L., c. 30, s. 61-62H) and Sections 11.04 and 11.06 of the MEPA regulations (301 CMR 11.00), I hereby determine that the above project requires the preparation of an Environmental Impact Report.

The project is the redevelopment of those portions of Fort Devens proposed to be surplussed by the Department of Defense (DOD) as of the date the ENF was submitted. The project has been designated Major and Complicated under MEPA and its regulations. This designation will allow the flexibility necessary to coordinate the review with the NEPA process, to incorporate additional areas the DOD may decide to surplus into the scope of this review, to allow for formation of a CAC that will assist in the review process, and to allow early review of certain reuse activities. The Massachusetts Government Land Bank has been designated as the lead state agency responsible for coordinating the redevelopment of the areas to be surplussed to the Commonwealth by the Department of Defense.

The Master Plan EIR should be a site capability document that will provide a baseline of information about the site and an initial analysis of the different types and levels of development that may be suitable for the site. The report must address coordination of development, evaluate potential impacts of the redevelopment and propose and commit to mitigation of the potential impacts. The EIR is planned to be coordinated with the federal EIS.

Preliminary SCOPE

I. Master Plan - The EIR should describe a proposed redevelopment plan. It should consider ranges for each type of potential use and identify appropriate sites. The federal surplussing process must be described. The plan must identify each area to be surplussed, including each area to be surplussed to other federal agencies. Quantification of potential use of each of these areas must be presented, whether for private, local, state or federal use.

II. Existing Environment - In general, the EIR must present a survey and inventory of the natural as well as man-made (i.e. infrastructure) resources of the site. It should describe existing uses and the capacity of the natural and infrastructure systems for different expanded uses. The resources and site conditions that may limit redevelopment of specific sites must be identified, quantified and evaluated.

A) Sewer System - Describe the existing sewerage treatment system. Consider the collection, treatment and disposal component capacities as they exist. What changes are required to meet the ground water discharge effluent limits? What maintenance or improvements are needed to serve the current site development under current state, local and national regulations? Are the collection lines designed to current standards? What are the current discharge limits and the effluent quality? What industrial discharges are currently discharged to the system? What is needed to bring the current sludge application to land into regulatory compliance?

B) Water Supply System - Describe the existing water supply system. Does the system meet current state and federal standards? Determine the safe yield of the system and its components. Quantify for each source. Have the Zone IIs been determined? Is the distribution system adequate for existing and increased use?

C) Interior Road Network - Describe the existing interior road network. Evaluate the adequacy of the roadway construction and geometrics. Does the network adequately serve all areas of the base?

D) Gates and Connections to State and Interstate Highways - Describe the existing gates and local roadway connections to the state and interstate highways. Evaluate the traffic

capability of the existing system. Are there current capacity or safety problems in the routes to the state and interstate network that would limit development? Quantify the current capacity.

E) Hazardous Waste Sites - Identify the known contamination sites and study areas of the base. What is the potential that additional sites are present? Describe current and future remediation efforts. How will the site contamination and remediation efforts affect or constrain redevelopment? How could the existing contamination limit future use of certain sites? How could the contamination limit use after the expected clean-up is completed? Is asbestos present in buildings proposed to be renovated or demolished? Identify areas with a potential for unexploded ordnance. How would those areas limit redevelopment? How could they be readied for reuse?

F) Solid Waste - The identification and evaluation of all known solid waste disposal sites on the base is required. The status of each site with respect to state and federal regulations must be presented. How do the solid waste disposal sites limit redevelopment?

G) Air Quality - Inventory the current air quality discharges from the fort, including emissions from motor vehicles, air traffic and industrial facilities. Include the two incinerators. What is needed to bring the incinerators up to standards? Is the region in compliance with the Federal Clean Air Act and the Massachusetts State Implementation Plan?

H) Noise - A noise contour map for existing activities at the Fort Devens Airport is required. An inventory of airport activities is required for the analysis.

I) Wetland Resource Areas - A plan must be prepared that identifies ponds, streams, rivers and all other wetland resource areas as defined in the Wetlands Protection Act, G. L. c. 131, s. 40 (e.g., bordering vegetated wetlands, land subject to flooding and designated floodways). Evaluate the significance of the identified wetland resources, including habitat value. Are variances under the Wetlands Protection Act required for hazardous waste remediation?

J) Rare, Endangered and State Significant Species Habitat - A plan must be prepared that identifies all significant habitat areas on the base. The proponent should evaluate the remainder of the base to determine if other areas have similar potentially significant habitats. Surveys of the potential sites

identified may be conducted to ascertain the current habitat status of the sites. Identities of the species within the EIR is not required. Those agencies, such as MEPA and the NHP, which must evaluate the impacts of proposed alterations to such species habitats must be provided with this information within a separate document.

K) Natural Resources - The natural resources such as regional ground water aquifer, significant biological units such as those identified in the comments of the Natural Heritage Program and Division of Fish and Wildlife need to be evaluated. The use of the area as a migratory flyway must be evaluated.

L) Agricultural Lands - An inventory of existing agricultural use and extent of prime agricultural soils must be prepared. The Department of Food and Agriculture should be helpful in this respect.

M) Historic/Archaeological - A plan must be prepared to identify known historic and archaeological sites on the base, including the Cantonment Area District. A cultural resources inventory as required by the Massachusetts Historical Commission must be prepared.

N) Recreation - The EIR must identify all passive and active recreation facilities and areas on the base. Evaluate the current condition of each of these recreational resources.

III. Impacts - Analysis of the potential impacts of individual elements as well as the total Master Plan is needed.

A) Traffic - Analyses are required for truck, auto, rail and air traffic. The highway traffic study must be done in accordance with the EOTC/EOEA protocol and should cover the following intersections:

Route 2 interchanges at Routes 110, 111, 495, 70, 190 and the Acton rotary;

Route 2A intersections with Routes 13, 111, 110, 495, 27 and Littleton Common;

Route 110 to Clinton; and

Route 111 intersections at Routes 495 and 119.

Local intersections along Route 2A between Fitchburg and Route 2 at Concord must be included if traffic is expected to increase by 10% or more or if the project is predicted to

contribute more than 10% of the traffic at any given intersection.

All intersections on the base must be screened for safety, capacity and geometric problems to determine if full evaluation by the EOEAE/EOTC protocol is necessary. In addition, roadway links in close proximity to the base should be analyzed for capacity.

The rail traffic analysis must consider the total potential rail usage for the redeveloped Fort Devens Master Plan. The interim Intermodal Transportation Transfer Facility must be included in the analysis. The rail system must be reviewed for needed infrastructure improvements and relevant rail crossings must be reviewed for capacity and safety.

The air traffic analysis must consider the current and potential aircraft operations at the existing Fort Devens Airport. The analysis should identify airport improvements needed for the projected level of operation.

B) Air Quality - The air quality analysis must include mesoscale and microscale analyses prepared in accordance with DEP Guidance. The proponent should consult with DEP regarding the protocol and study area for these analyses. An inventory of existing air pollution discharges from the base is needed as well as emissions that may be associated with potential increases in aircraft and motor vehicle activity. The air impacts associated with future industrial activity cannot be adequately predicted, as the nature and quantity of emissions will be highly specific to the industry. For that reason, after the environmental review for the redevelopment of Fort Devens is completed, individual redevelopment proposals which need DEP/AQC permits must file notices of project change with the MEPA Unit and undergo public review prior to the DEP issuance of the needed air quality permits.

C) Hazardous Waste - This section must identify the level of clean-up planned and/or necessary in relation to the Master Plan elements.

D) Sewerage - Sewage flows from each element of the Master Plan must be calculated. Analysis of the capability of the collection, treatment and disposal systems to handle the flows is needed. The analysis must consider both average and peak flows.

E) Water Supply - The water supply needs of each element of the Master Plan must be calculated and an evaluation of the ability of the system to supply those needs must be presented. Are interconnections available to the Towns? Are interconnections necessary?

F) Noise - The noise evaluation must consider the effect on neighborhood areas and are site specific for elements of the redevelopment Master Plan. The potential for elements of the Master Plan to generate noise which exceeds the noise guidelines of the DEP must be analyzed. In addition, the potential changes in activity of the existing Fort Devens Airport must be evaluated for noise impacts. The Massachusetts Aeronautics Commission has developed a model for small airports which may be appropriate.

G) Wetlands - The analysis of wetland impacts for all elements of the Master Plan within wetland resource areas, or the 100 foot buffer must be quantified and evaluated for significance. If the proposals would need variances from the Wetlands protection Act, full justification of the waiver must be presented in the EIR.

H) Habitat - Each element of the proposed Master Plan that affects significant habitat areas must be evaluated for impacts to the habitat.

I) Historic/Archaeological - The information needed for both state and federal review must be presented. An archaeological survey may be necessary for any areas to be disturbed by construction elements of the Master Plan. The Massachusetts Historical Commission must be consulted as to the need and scope of analysis required.

J) Natural Resources - The potential impacts of the Master Plan elements on other natural resources such as the water regime/water supply aquifers, significant biological assemblages and fish and wildlife must be analyzed.

K) Solid Waste - Quantification of future solid waste volumes, including demolition waste, is required. Disposal and recycling options must be reviewed and recommendations must be presented.

L) Agricultural Lands - Impacts to agricultural resources must be reviewed with respect to the Massachusetts Executive Order #193.

M) Recreation - Future access by the public to the existing and any proposed future recreational resources must be evaluated.

IV. Mitigation - For all potential impacts identified, the EIR must identify, describe and evaluate for effectiveness all feasible mitigation. In addition, the standard erosion control and run-off control requirements for any new construction on the base must be presented. Include all mitigation necessary for NPDES permits.

V. Controlling and Coordination of Phased Development and Mitigation - The entire base is currently under the control of a single executive agency, the Department of Defense. A discussion of future control is needed. Once areas of the base are surplussed to the state, does the state become controlling developer, or do controls of the various areas revert to control of the towns? This must be considered, especially for the infrastructure, and is also of importance as to regulatory control. The EIR must identify each state, federal and local agency which must act on the various elements of the Master Plan.

This section of the EIR must consider the capacity of the base for redevelopment without mitigation. Following that analysis, phased redevelopment of the base with identification of the needed mitigation for that phase is needed. The party responsible for the mitigation and the schedule for implementation must be presented. In particular, phased redevelopment and mitigation should consider phased traffic mitigation, both on and off base by ADT for each Gate. Phased mitigation for increased sewerage flows should be identified by flow. Phased mitigation for water supplies for redevelopment should be based on distribution and/or treatment and safe yield.

Many of the other mitigation measures may be tied to specific Master Plan elements and should be so identified.

The EIR should follow the requirements of MEPA regulation 11.07 as modified by the Major and Complicated Certificate and this scope. The structure of the report may vary as it is anticipated that a joint EIR/EIS will be prepared. It is also anticipated that the Massachusetts Government Land Bank may have supplemental materials to the EIR/EIS which will complete the EIR requirements. A proposed distribution list must be reviewed by

the MEPA office prior to submittal of Draft and Final EIRS.

October 15, 1992

DATE

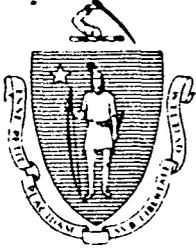
Susan F. Tierney, Secretary

Comments received :

- Senator Durand - 8/3/92
- House Ways & Means - 7/28/92
- U.S. Dept Army - 8/10/92
- U.S. Dept Interior - 2/14 & 8/14/92
- EOTC - 8/14/92
- MHD - 7/27 & 8/19/92
- MHC - 7/26 & 8/28/92
- DEP/CR - 8/21/92
- DEP/WS - 7/16/92
- DEP/AQC - 8/17/92
- NHESP - 8/14/92
- DF&A - 7/27/92
- Massport - 7/29/92
- Joint Bd Selectmen - 8/14 & 8/28/92
- Joint Pl Boards - 8/10/92
- Shirley Selectmen - 9/21/92
- Shirley Planning Board - 8/10 & 9/3/92
- Lancaster Redev Tack Force - 8/14/92
- Lancaster Selectmen - 8/14/92
- Lancaster Cons Comm - 7/23 & 8/12/92
- Lancaster Plan Board - 8/12/92
- Lancaster Hist Comm - 8/10/92
- Harvard Task Force - 8/11/92
- Harvard Planning Board - 8/7/92
- Harvard Bd Health - 8/13/92
- Littleton Selectmen - 7/23 & 8/11/92
- Groton Selectmen - 8/5 & 9/2/92
- Acton Selectmen - 8/10 & 9/11/92
- Concord Selectmen - 8/6/92
- Fitchburg Mayor - 8/27/92
- MRPC - 7/29 & 11/2/92
- MAPC - 8/14 & 8/21/92
- MAGIC - 8/24/92
- NMCOG - 8/17/92
- CLF - 8/10/92
- MACC - 7/14 & 8/31/92
- Mass Audubon - 7/27 & 8/28/92

NRWA - 8/12 & 8/31/92
Sierra Club - 8/20/92
ASERT - 8/5/92
FOCUS - 9/25/92
CPRH - 8/11 & 8/25/92
CITPlan - 8/12/92
Bolton Airport Comm - 7/20/92
Ayer COC - 8/28 & 8/31/92
North Central Mass COC - 9/31/92
Snow, Courtney Assoc - 9/14/92
K Field - 8/7/92
C Sellers - 8/11 & 8/14/92
M Donohoe - 7/30/92
F Maxant - 7/23/92
J Faucher - 7/24/92
S O'Brien - 8/13/92

SFT/DES/ds



The Commonwealth of Massachusetts
Executive Office of Environmental Affairs
100 Cambridge Street, Boston, 02202

WILLIAM F. WELD
GOVERNOR

ARGEO PAUL CELLUCCI
LIEUTENANT GOVERNOR

SUSAN F. TIERNEY
SECRETARY

October 15, 1992

(617) 727-9800

Ms. Donna Jacobs
MAGIC
456 Gleasondale Road
Stow, MA 01775

Re: EOE #9116 - Fort Devens Redevelopment, Ayer, Harvard,
Lancaster and Shirley

Dear Ms. Jacobs:

I am pleased to inform you that you have been appointed to serve on the Fort Devens Redevelopment Citizens Advisory Committee (CAC). I have formed the CAC to advise me on environmental review matters under MEPA.

The first meeting of the CAC will be held on October 22, 1992 at 7:00 P.M. at the Fort Devens Reuse Community Resource Center in Building P-5 on Antietam Street at Fort Devens. The second meeting is scheduled for November 5th at the same time and place.

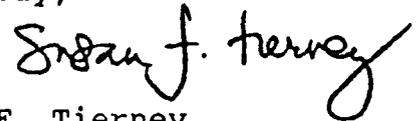
Enclosed are copies of the Major and Complicated designation, the Certificate on Interim Project #1 (Intermodal Transportation Transfer Facility), and the CAC mailing list. The first two meetings will involve organization of the CAC and discussion of the preliminary scope. The CAC shall comment to me by the end of November as to the adequacy of the preliminary scope. Future organization, agenda and meeting schedules will also be addressed.

David Shepardson of my staff will chair the first two meetings. Thereafter, a chair to be chosen by the CAC will preside. David Shepardson can be reached at (617)727-5830 x304.

October 15, 1992
Page 2

Thank you for assisting me and the Massachusetts Government
Land Bank with the EIR review for this major project.

Sincerely,

A handwritten signature in cursive script that reads "Susan F. Tierney". The signature is written in black ink and is positioned to the right of the typed name.

Susan F. Tierney
Secretary

enc.

SFT/DES/ds



The Commonwealth of Massachusetts
Executive Office of Environmental Affairs
 100 Cambridge Street, Boston, 02202

FILE COPY

WILLIAM F. WELD
GOVERNOR

ARGEO PAUL CELLUCCI
LIEUTENANT GOVERNOR

SUSAN F. TIERNEY
SECRETARY

August 26, 1992

(617) 727-9800

CERTIFICATE OF THE SECRETARY OF ENVIRONMENTAL AFFAIRS
 ESTABLISHING A SPECIAL PROCEDURE FOR A
 MAJOR AND COMPLICATED PROJECT

PROJECT NAME : Fort Devens Redevelopment
 PROJECT LOCATION : Ayer, Harvard, Lancaster and Shirley
 EOE A NUMBER : 9116
 PROJECT PROPONENT : Massachusetts Government Land Bank
 DATE NOTICED IN MONITOR : July 8, 1992

With the consent of the proponent, the Massachusetts Government Land Bank, I designate this project as a "Major and Complicated Project" pursuant to M.G.L. C.30 s.62A and 301 CMR 11.12. The project is the redevelopment of those portions of Fort Devens currently proposed to be surplus by the Department of Defense. Given the nature of this project, designation of it as Major and Complicated is appropriate and will allow for the necessary flexibility and coordination with the National Environmental Policy Act (NEPA) review process. The designation will:

- * Permit coordination with the NEPA process, enhancing public understanding and participation, and conserving public and private environmental impact analysis and review efforts;
- * Enable timely commencement of certain portions of the project that may benefit the environment;
- * Enable timely commencement of certain reuse activities that will not cause significant damage to the environment and that may be beneficial to the economy of the region; and
- * Provide for timely review of portions of the project that may cause significant damage to the environment.

The following Special Procedure sets forth the specific review steps for this project and describes the role of the Citizens Advisory Committee (CAC). (See Step 7 for the establishment of the CAC.)

1. The Secretary and the proponent will jointly develop a preliminary scope for a Master Environmental Impact Report ("Master EIR") and submit it to the CAC for its review. The CAC shall submit comments to the Secretary on the preliminary scope no later than forty-five days after the first meeting of the CAC, which shall be convened by the Secretary. The Secretary will issue a Certificate finalizing the MEPA scope ("the MEPA Scope") in accordance with 301 CMR 11.06. A copy of the MEPA Scope will be submitted to the Department of the Army ("Army"). The proponent, the MEPA Unit and the Department of Environmental Protection will also participate in the NEPA scoping sessions conducted by the Army. After the NEPA scope has been finalized, the proponent shall provide a copy to the Secretary and the CAC.

2. The Draft and Final Environmental Impact Statements (EIS's) prepared by the Department of the Army pursuant to the National Environmental Policy Act and related to the reuse of Fort Devens will be submitted as components of the Draft and Final Master EIRs for the overall redevelopment project as anticipated by 301 CMR 11.13. The proponent shall supplement the documents prepared by the Army as necessary prior to their submission as the Draft and Final Master EIRs to ensure compliance with the MEPA scope. Conclusions reached or findings made in the Draft and Final Master EIRs may differ from those reached by the Army in the NEPA process. The Draft and Final Master EIRs will be subject to a 30-day public review and comment period. The proponent will hold a public meeting in the project area during the review period of the Draft and Final Master EIRs to review the document and take comments. Extensions of the comment period on the Draft Master EIR shall be considered in accordance with the procedures set forth at 301 CMR 11.08(2). The Secretary will issue a Certificate evaluating the adequacy of the Draft and Final Master EIRs seven days after the close of the comment periods.

3. The proponent may identify reuse proposals for portions of the project that are proposed to be implemented prior to the completion of the Draft and Final Master EIRs ("Interim Projects"). For each such Interim Project, the proponent shall submit a Notice of Interim Project and circulate it in accordance

with 301 CMR 11.24, to members of the CAC, and to others as the Secretary may designate. Notice of the Interim Project will be published in the Environmental Monitor for a 20-day comment period. At the request of the Secretary, a public consultation session shall be held. A decision as to the need for preparation and review of further documents will be issued within ten days after the close of the comment period. The Secretary may determine either that: no further review is required; a single final Interim EIR is required; a draft and final Interim EIR are required; or a separate ENF must be prepared and reviewed in accordance with standard MEPA procedures. At the discretion of the Secretary, an Environmental Assessment prepared pursuant to NEPA may serve as an Interim EIR hereunder. Any Interim EIR will be subject to a 30-day period for public review and comment, with a Certificate evaluating the adequacy of the document to be issued seven days after the close of the comment period. If an Interim Project is categorically included pursuant to 301 CMR 11.25, the proponent may request a waiver and the procedures set forth at 301 CMR 11.18 shall be followed.

4. The Massachusetts Aeronautics Commission is currently studying the need and siting alternatives for a second airport alternative to Logan International Airport. Should Fort Devens be selected as an alternative site, a separate ENF shall be filed.

5. If the Army determines to surplus additional portions of Fort Devens, the proponent shall file either a Notice of Project Change or an additional ENF that shall be published for a 20-day comment period. A consultation session may be held at the discretion of the Secretary. The Secretary, in consultation with the proponent and the CAC, may revise the scope for the Master EIR as necessary.

6. This Major and Complicated Procedure shall terminate upon the Secretary's determination that the Final Master EIR adequately and properly complies with MEPA and its regulations. After the termination of this procedure, future actions will be governed by the MEPA statute and regulations.

7. Pursuant to the authority of the Secretary under 301 CMR 11.12, a Citizens Advisory Committee will be established to assist the Secretary in the review and evaluation of the environmental impacts of the project. The appointments to the CAC, which shall be made by the Secretary, shall reflect a balance of membership and represent a broad range of views.

The CAC shall have the following roles:

- * to review and comment upon the preliminary scope for the Master EIR;
- * to review and comment upon the Draft Master EIR prior to its submission for MEPA review;
- * to review and comment upon the Final Master EIR prior to its submission for MEPA review; and
- * to review and comment upon other environmental review documents submitted to the Secretary for public review and comment.

CAC GOALS AND PROCEDURES

A. The CAC should have consensus as a goal, but until the EIRs are complete it is understood that the diversity of opinions on the CAC may require majority and minority positions. Thereafter, the CAC should strive for consensus, bearing in mind that the CAC's recommendations are purely advisory, and that there is strength in unity. I ask that, as the CAC proceeds, the Secretary be informed of its progress through copies of the mailings.

B. The MEPA Unit shall act as moderator at the first two meetings of the CAC. Thereafter, the CAC shall by majority vote elect one of its members to serve as chairperson.

C. The proponent shall provide the following services to the CAC: arrangement of meeting rooms, taking of minutes, reproduction and mailing to CAC members of minutes, notices and materials to be reviewed.

D. It is the Secretary's intention that members of the CAC shall not be deemed "special state employees" pursuant to MGL C. 268A, and to that end the Secretary provides that the CAC:

- 1) shall be constituted informally, not by statutory or regulatory mandate;
- 2) shall be short-lived, in existence during the time required for preparation of the Draft and Final Master EIRs;
- 3) shall serve without compensation or reimbursement of expenses;
- 4) will not expend public funds; and
- 5) will not be required to issue a formal report or conclusions.

E. Meetings of the CAC should be held on an as-needed basis, as determined by the moderator. Any materials to be reviewed at a meeting should be provided to the CAC at least a week in advance of the meeting, with the exception of the Draft and Final Master EIRs, which should be provided to the CAC thirty days prior to each document's submission to the Secretary.

The proponent or the Secretary may at any time propose amendments to this special procedure. Suggested amendments shall be published in the Environmental Monitor for a thirty day review period, followed by a seven day period for the decision of the Secretary.

8/26/1992

Date



Timothy A. Bassett,
Executive Director
Massachusetts Government Land Bank

EOEA #9116

Major and Complicated Procedure

August 26, 1992

8-26-92
Date

Susan F. Tierney
Susan F. Tierney, Secretary

SFT/DES/ds



The Commonwealth of Massachusetts
Executive Office of Environmental Affairs
100 Cambridge Street, Boston, 02202

WILLIAM F. WELD
GOVERNOR

MARGO PAUL CELLUCCI
LIEUTENANT GOVERNOR

SUSAN F. TIERNEY
SECRETARY

August 26, 1992

(617) 727-9800

CERTIFICATE OF THE SECRETARY OF ENVIRONMENTAL AFFAIRS
ON THE
ENVIRONMENTAL NOTIFICATION FORM

PROJECT NAME : Fort Devens Redevelopment - Interim
Project # I - Intermodal Transportation
Transfer Facility
PROJECT LOCATION : Ayer, Harvard, Lancaster and Shirley
EOEA NUMBER : 9116
PROJECT PROPONENT : Massachusetts Government Land Bank and
Boston and Maine/Springfield Terminal
DATE NOTICED IN MONITOR : July 8, 1992

Pursuant to the Massachusetts Environmental Policy Act (G. L., c. 30, s. 61-62H) and Section 11.06 of the MEPA regulations (301 CMR 11.00), I hereby determine that the above project does not require the preparation of an Environmental Impact Report.

This project is the first "interim project" proposed for the reuse and redevelopment of Fort Devens. By a Certificate of this date, I have designated the Fort Devens redevelopment project as Major and Complicated, in accordance with 301 CMR 11.12 and provided for early review of individual reuse proposals as they may be identified.

This first interim project is the leasing and development of a 34 acre site with rail sidings and 9 buildings for handling seaborne containers and truck trailers. Containers would be loaded onto railroad cars at the Moran Terminal in Boston and brought to the site by rail. At the facility some rail cars will be reconfigured for trains bound north towards Maine and west through Albany and Chicago to Canada and western and southern areas of the United States. Other containers or trailers would be off-loaded for transfer by truck to local sites. Still other containers would be stored onsite for unloading and distribution or for collection and loading onsite for shipment by rail.

The project as proposed consists of a maximum of two roundtrip train trips per day between Moran Terminal and Fort Devens. This level of activity is predicted to generate approximately 450 truck trips a day. The primary rail routes that will be used are the Charlestown Branch to the North Station area, the Lowell Branch north to the Stony Brook Branch to Willow Junction, the Fitchburg Branch to Ayer and the Ayer/Worcester Branch to Fort Devens.

Because one of the tracks B&M proposes to use traverses a site designated as a disposal site under G.L. c. 21E, approval of the Department of Environmental Protection is required prior to the use of this track. The project as currently proposed does not appear to require improvements to state-owned railroad infrastructure; however, any future improvements would require state approval. The Massachusetts Government Land Bank is involved in the lease negotiations between the Department of Defense and Boston and Maine as a third party to the lease; it is neither lessor nor lessee.

B&M and/or the Land Bank have identified the following infrastructure improvements as desirable for the project: paving of the transfer area; rebuilding of No Name Street; and raising the height of the railroad overpass at Barnum Road.

It is my judgment that the project reviewed herein does not have the potential for significant impacts to the environment so as to warrant the preparation of an EIR. Moreover, given the limited involvement of the state agencies my jurisdiction over the project is limited.

I do note, however, that any changes in the project that will increase the proposed level of activity described in this Certificate or involve future state approvals will require that the proponent submit a Notice of Project Change for a determination as to whether further environmental review is required. Examples of such changes would be the construction of a new access to Route 2, infrastructure improvements to rail segments owned by the Commonwealth, proposed regular use of the Ayer/Worcester Route for container shipment south and any proposal to increase the number of train trips currently proposed or the 450 truck trips currently expected to be generated.

8-26-92

Date

Susan F. Tierney
Susan F. Tierney, Secretary

Comments received :

- DEP/AQC - 8/17/92
- NMCOG - 8/17/92
- DEP/CR - 8/20/92
- JBOS - 8/14/92
- Harvard FDTF - 8/11/92
- C Sellars - 8/11/92
- Harvard Bd of Health - 8/13/92
- Lancaster FDRTF - 8/14/92
- NRWA - 8/12/92
- MACC - 7/14 & 8/31/92
- MAPC - received 8/14/92
- Lancaster Conservation Commission - 8/12/92
- Acton Selectmen - 8/10/92
- CITPlan - 8/12/92
- JPB - 8/10/92
- DOA - 8/10/92
- EOTC - 8/14/92
- Massport - 7/29/92
- Littleton Selectmen - 7/23/92
- Mass Audubon - 7/27/92
- MRPC - 7/29/92
- Bolton Airport Committee - 7/20/92
- K Field - 8/7/92
- Concord Selectmen - 8/6/92
- M Donohoe - 7/30/92
- Lancaster Selectmen - 8/14/92
- Littleton Selectmen - 8/11/92
- Citizens to Protect Harvard - 8/11/92

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Executive Office of Environmental Affairs
100 Cambridge Street, Boston, 02202

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SUSAN F. TIERNEY
SECRETARY

MEMORANDUM

(617) 727-9800

TO: EOEA, LB
FROM: David Shepardson, MEPA Unit
DATE: October 15, 1992
SUBJECT: EOEA #9116 Redevelopment of Fort Devens
CAC Membership

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Land Bank
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27 Valley Road
Sharon, MA 02067-1929
(617) 784-0950
(508) 772-6340 Ft. Devens

Joint Planning Boards
Richard DeBoalt
79 Shaker Road
Harvard, MA 01451
(508) 772-3968

Fort Devens Redevelopment Board
John Sullivan
Perland Environmental Technology
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Ayer Citizen
Reverend Philip Goff
Federated Church
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Harvard Citizen
William R. Thurston
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Shirley Citizen
Richard Hatch *former Shirley Pl. Bd of Massachusetts Chair*
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Shirley, MA 01464
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Lancaster Citizen
Lee Farnsworth *Cons. Comm. & ZBA.*
35 Pine Hill Road
Lancaster, MA 01523
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Metropolitan Area Planning Council - MAPC
Minuteman Advisory Group on Interlocal Coordination - MAGIC
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Northern Middlesex Council of Governments
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William G. Redfield *on Tech review for Superfund*
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Advocates for a Strong Economy with Responsible Transportation
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Massachusetts Audubon Society
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James Coull, President
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James Hashem, President
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Paul E. Linet
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JBOS offered working space and access to JBOS files and
information to CAC at the Base Reuse Community Resource Office
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Fort Devens, Antietam Street, Building P-5
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FAX (508)772-7577

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CC: BOS
FT. DEVENS TASK FORCE



Minuteman Advisory Group on Interlocal Coordination

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

OCT 16 1992

MINUTEMAN ADVISORY GROUP
ON INTERLOCAL COORDINATION

A Subregion of Metropolitan Area Planning Council

FORT DEVENS FORUM A SUCCESS

Well over 100 people attended the Fort Devens Reuse Forum held October 1, 1992 at the Acton-Boxborough Regional High School. The forum was hosted by the MAGIC subregion, with organizational support from the Metropolitan Area Planning Council (MAPC).

The forum was chock full of useful information on the reuse planning process, the players, the timetable, and the major proposals under consideration. The event featured presentations by key actors in the reuse planning and review process -- the Ft. Devens Transition Office, the Joint Boards of Selectmen, the Mass. Government Land Bank, and the Executive Office of Environmental Affairs.

The evening featured an hour-long panel in which the speakers were joined by other experts to address audience questions. Questions covered how the proposed uses relate to a possible second major airport; who will pay for the future costs of services; and how the four-town master planning process will relate to the larger planning picture.

Enclosed are several items you may find interesting: a summary of background information on Ft. Devens and three Minuteman Chronicle articles reporting on aspects of the forum itself.

MAGIC and MAPC plan to remain active voices for local communities and regional concerns in the reuse planning process. Both MAGIC and MAPC hope to have seats on the newly forming Citizens' Advisory Committee (CAC) which will participate in upcoming environmental reviews. MAGIC is also planning a meeting with federal and state legislators who serve the region to update them on MAGIC's concerns and to enlist their support in ensuring that whatever redevelopment takes place is best for the region.

MAGIC urges its member communities to bring concerns regarding Fort Devens reuse -- or other issues of regional importance -- to the group.

1 MAGIC stands for the Minuteman Advisory Group on Interlocal Coordination, and includes local officials representing the towns of Acton, Boxborough, Carlisle, Concord, Hudson, Littleton, Maynard, Sudbury, and Stow.

They don't mind a prison, wildlife refuge, or housing for the homeless ...

But opposition mounts to airport at Fort Devens

By Bethany Becker
Staff Writer

Most of the proposed uses of more than 4,000 acres of soon-to-be unused land at Fort Devens Army have been received with open arms.

The expansion of an existing wildlife refuge — welcomed. Housing — backed by federal law. Even the proposal to locate a federal prison and the expansion of the base hospital into a medical center to serve inmates as far south as Pennsylvania have met with general approval.

But two transportation-oriented proposals have generated concern. Residents of communities immediately surrounding the Ayer-based Fort Devens, and other towns in the region, have actively opposed the siting of a second major airport on the base. Questions have been raised about the impact of an intermodal rail center (a transportation facility using existing buildings and rail lines to link rail cargo to other modes of transport). Opposition continues to mount despite the potential economic growth and jobs advocates believe these two projects could bring to the region.

Last Thursday, local officials and concerned citizens received an update on the status of those proposals, and the remaining uses under consideration for the property, once the military base closes in 1995.

About 80 people attended the first of two forums hosted by regional subdivisions of the Metropolitan Area Planning Council and MAGIC, the Minuteman Advisory Group on Interlocal Coordination, which serves as a vehicle for communities to express their concerns about development in the region (including the Chronick-area towns of Acton, Boxborough, Carlisle, Concord, Hudson, Littleton, Maynard, Stow and Sudbury).

Opening discussion for the evening, Donna Jacobs, chairwoman of MAGIC, emphasized that neither the audience nor representatives of the various boards and agencies involved in redevelopment of Fort Devens were there to "debate or attempt to resolve any areas of dispute."

Airport dispute

Opponents and supporters of a second airport drew no closer at the forum, but those present did receive a brief history of the airport proposal, and an update on its status.

Three potential sites were identified in an August 1991 study completed by the Massachusetts Aeronautics Commission. Residents have criticized findings and assumptions contained in the report, and the Army has taken the position that there will be no room for the runways envisioned in the study.

What would interfere, according to Philip Morris, a spokesman for Fort Devens, are the Army's plans to retain the 1,000-acre southern portion of the base below Route 2 as a training facility for the National Guard, and some 4,800 acres on the northern portion of the base for housing reservists.

The southern portion of the base is considered the "prime pick for an airport," Morris said. But certainly, he added, "no one would want to fly through an area with live gun and mortar fire."

Morris told the crowd to assume the Army plans to hang on to the land — with the caveat that "anything can happen." Two more rounds of decisions will be made in 1993 and 1995 that will determine the status of bases across the country under the Base Realignment and Closure Act. In 1988, members of the Base Realignment and Closure Commission decided Fort Devens would essentially double in size, but

then changed their minds in 1991 and decided to close the base.

Against that background, an additional study relating to a second airport has been initiated by the Massachusetts Aeronautics Commission. The Strategic Assessment Report, scheduled for completion in early 1993, will look at high-speed rail and telecommunications, and their impact on aviation needs in the future, according to John Connery, project manager for the aeronautics commission. "The study will provide a framework for policy decisions," he said.

Technical advisory board

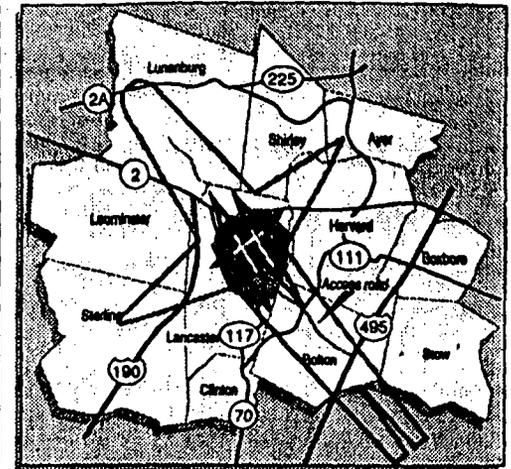
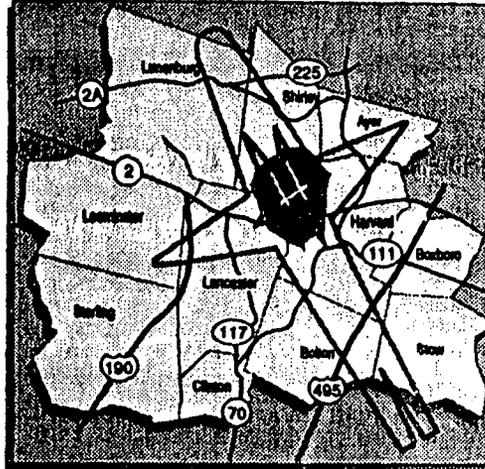
While the consulting firm of Arthur D. Little has been commissioned to execute this study, Connery emphasized that findings will not be made in the absence of public comment. A 15-member technical advisory board, made up of "people from various disciplines" will meet to review scenarios generated by the consultants, he said. Also, another 40-member group will be informed and comment on any portion of the study as it progresses.

Anticipating that the audience would ask why money and time are being invested in a project that faces fierce public opposition, Connery said, "I can tell you it's not the Massachusetts Aeronautics Commission ... who makes the ultimate decision about building an airport."

Some of that decision will come through a process of environmental review, which will take place separately from the umbrella approach being applied to the rest of the proposed uses of excess property and facilities on Fort Devens, according to Jamy Buchanan, deputy general counsel for the Executive Office of Environmental Affairs.

Rail facility

Unlike an airport, which would interfere with other proposed uses



Of all the proposed reuses for Fort Devens, plans for a second major airport at the Army base have generated the most opposition. Residents living in proximity to the Ayer-based military installation say an airport will create noise, traffic and pollution problems.

for the base, an intermodal rail center would not, the audience was told. With markedly less caution, panelists described how The Springfield Railway Co. has sought to lease 34 acres and nine buildings for use of a facility that would allow transfer of rail cargo to other forms of transportation such as trucks. The Boston & Maine wants to make two runs a day between Charlestown and points further north and south along tracks that run through the base.

Eric Knapp, of the Massachusetts Land Bank, the lead state agency managing — and bankrolling — development of Fort Devens, described how the facility could fit in with a study of highway, rail sea and air transportation needs for travel within the six New England States and outside the region. That study is currently under way.

"Some of the benefits are not

immediately apparent," Knapp acknowledged, going on to describe how the facility might help break Conrail's monopoly on freight rail in and out of Boston. The Boston and Maine has put in a proposal to use the tracks and facilities at the base, which "could be an engine for a lot of redevelopment," he said — "seventy to eighty jobs — or I believe, a vastly greater number."

Excerpt from some review

Questions from the audience reflected concern about the environmental impact of the rail facility. Buchanan responded that though these proposed uses would not require an environmental impact report and the public comment entailed in that process — because the terminal would rely on already-existing rail lines and an area currently used by the Army for trucking operations — any change in use

would require further environmental review.

Seeking to assure that prosperity would not come at the cost of the environment, Knapp added that the Land Bank was carrying forward Gov. William Weld's dual goals of "jobs and environmental protection."

"That is the agenda we are trying to carry out," he said.

"Pie in the sky," a woman in the audience murmured audibly as she listened.

State Sen. Robert B. Durand, D-Marlboro, who attended the forum, but did not speak, didn't think so. Intermodal transportation is a real possibility for the region, he said. As for the airport, he added, "people need to put that issue aside. As long as it's an issue, it's going to continue to cloud the redevelopment effort."



Metropolitan Area Planning Council

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

Serving 101 cities and towns in metropolitan Boston

FT. DEVENS CLOSING AND REDEVELOPMENT

Key Background Information

Ft. Devens consists of about 9,338 acres of land located in the towns of Ayer, Harvard, Lancaster, and Shirley. As mandated by the 1990 Base Realignment and Closure Act, the base is slated for closing. Except for sections it will keep as a reserve enclave, the Army will depart by 1995.

Ft. Devens consists of the Main Post, North Post, and South Post. The Army will retain the entire South Post and parts of the other posts for field training of reserve troops and will declare the remainder excess. It is here that redevelopment is expected to take place.

Ft. Devens is a major employer. The closure may result in the loss of 18,000 to 20,000 jobs, including 9,000 on the base itself. The fort has extensive infrastructure to support redevelopment, having at times served over 15,000 people.

There are 58 known "superfund" sites on the base. The Army is responsible for the clean up and has agreed to an accelerated schedule. Ft. Devens and the surrounding area are rich in natural resources which are environmentally sensitive and in need of protection and preservation.

The Redevelopment Process

Many players are involved in the reuse planning process.

The excessing process is governed by federal law. Excessed Department of Defense (DoD) property is offered first to other DoD branches, second to the homeless under the McKinney Act, third to other federal agencies, and fourth to state and local agencies. If none of these parties steps forward, it is sold at auction. It is preferred but not required that the excessing process raise money for the federal coffers.

Governor Weld issued Executive Order 312 designating the Massachusetts Government Land Bank as the lead agency to manage the redevelopment. The order also created the Ft. Devens Redevelopment Board, with gubernatorial appointees and representatives of the four towns, to work with Land Bank; the board is expected to issue its final report in December 1992.

The four towns are meeting together as Joint Boards of Selectmen and Joint Planning Boards to develop a reuse strategy. The Joint BOS have issued a mission statement outlining their goals and priorities, and the four towns have filed legislation to establish a Ft. Devens Development Corporation to undertake actual development.

Marjorie A. Davis, *President*

Edmund P. Tarallo, *Vice-President*

Richard A. Easler, *Secretary*

Marylou Batt, *Treasurer*

David C. Soule, *Executive Director*

The Executive Office of Environmental Affairs (EOEA), through its Massachusetts Environmental Protection Act (MEPA) unit, approves or disapproves proposals based on their anticipated environmental impacts. In July 1992, the Land Bank filed an Environmental Notification Form (ENF) seeking designation of Ft. Devens as a "major and complicated project." This designation, among other things, allows the review and approval of individual "interim" projects in advance of a master environmental review. EOEA approved the designation and agreed to set up a Citizens' Advisory Committee (CAC) to review the master environmental impact report.

Proposals on the Drawing Board

The Federal Bureau of Prisons wants to build a prison facility and renovate and expand the Cutler Army Hospital to create a federal medical facility.

Housing. To date, four groups have expressed interest in using portions of the existing housing for housing for the homeless.

Intermodal Rail Center. The Springfield Terminal Railway Co. seeks to lease about 34 acres of land and nine buildings for use as an intermodal transportation transfer facility. EOEA determined that the project does not need an environmental impact report and may proceed as the first "interim project" under the major and complicated designation.

The Nashua River Watershed Association wants to establish an educational and recreational Rivers Center at Devens.

The U.S. Fish and Wildlife Service (Dept. of the Interior) wants to expand the Oxbow National Wildlife Refuge.

The "A" Word: A Second Major Airport at Devens?

The Second Major Airport Siting Study (SMASS), completed by the Massachusetts Aeronautics Commission (MAC) in August 1991, identifies Ft. Devens South (south of Rt. 2, Harvard/Lancaster/Shirley) and Ft. Devens North (north of Rt. 2, Shirley/Harvard/Lancaster/Ayer) as potential sites for a second major airport. Citizen groups have challenged many of the findings and assumptions of this study.

MAC's Strategic Assessment Report (SAR) Study, scheduled for completion in early 1993, seeks to model and forecast future air travel demand and capacity, develop a risk assessment of the region's ability to meet future air travel needs under different scenarios, and recommend an action plan.

The Intermodal Study. The six New England states are undertaking a much broader, intermodal study to examine highway, rail, seaport, and air transportation needs for travel within New England and outside the region. Results of the study, known as the New England Transportation Initiative (NETI), are expected in 1994.

Impact of Fort Devens closure felt far beyond its borders

By Bethany Becker
Staff Writer

The impact of the closure of Fort Devens will be felt far beyond the four towns that immediately surround the base. Town, Army and state officials are estimating thousands of jobs and millions of dollars in revenue will gradually disappear as activity there winds down.

At last Thursday's forum at Acton-Bomborough Regional High School, local officials and concerned citizens, a set of sobering statistics were presented along with optimistic visions of the future of Fort Devens, intertwining economic growth and social consciousness.

Between 18,000 to 20,000 jobs are expected to disappear from the base, including 220 civilian jobs, losses that will affect as many as 20 communities, according to Donna Jacobs, chairwoman of MAGIC, the Minuteman Advisory Group on Interlocal Coordination, whose group hosted the forum.

A community in itself

"The town of Acton has just under 18,000 residents on just under 12,000 acres of land," she said. Occupying 9,300 acres, Devens "is really a community in itself," Jacobs added.

Along with a community the size of a town, the Devens payroll will also dwindle and disappear, according to Fort Devens spokesman Philip Morris, who estimated that based on total wages of \$271 million dispersed in 1989, closure of the base would represent a \$460 million revenue loss to the region.

Loss of students

For Harvard and Ayer, whose borders both include substantial acreage within the base, the closure means different things.

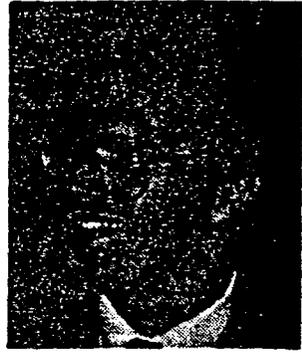
Ayer has educated Fort Devens' children for decades, and has been receiving \$3 million from the federal government to do so. But as the base shuts down and families move elsewhere, that money will cease to flow into the school system, according to Ayer Selectman Stephen Slarsky.

"Sixty-five to 75 percent of our students are from Fort Devens," Slarsky said. From a high of almost 2,500, numbers have already decreased to 2,000. Once the base closes in 1995, that number will drop to 500.

Speaking during a break in the forum, Slarsky added, "a system collapses on itself at that size." Seeking survival, Ayer schools are looking into regionalization with Groton, Slarsky said. "As we are parting our relationship with military students, we're looking at ways of providing education on a tuition basis," added Slarsky.

"We don't want to put all our eggs in one basket. We're basically interested in multiple use ... very mixed reuse."

Brett Doney,
Joint Boards of Selectmen
project director



'Kind of over there'

Dana Owens, a Harvard selectman, spoke of the transfiguration of his town that will occur with closure. Without a gate to the base, the town has always viewed Devens as "kind of over there," he said. "But it will be part of my community now. More importantly, it will be culturally part of my community," he added, comparing the integration to the reunification of Germany. "The land was with us 70 years ago," Owens said, "now we're bringing it back into the fold."

Along with the land come Fort Devens' roads, and other demands for services. "Our highway department has six people," Owens said. "The concept of tripling or quadrupling our road and highway system overnight is absolutely mind-boggling."

Through the four contiguous communities will be the ones sending forth their snowplows on those roads, Owens told the crowd, which included town officials from communities near the base, the closure "affects all of us. We have to work together."

Mixed reuse

Brett Doney, project director for the Joint Boards of Selectman of the four Devens communities, mentioned plans to develop 300 housing units intended for rental to people of mixed-income levels.

Doney characterized the four towns' relationship with the base as having been a roller coaster ride since 1917. "We don't want to put all our eggs in one basket," he said, "we're basically interested in multiple use ... very mixed reuse."

Owens and Slarsky went on to talk of potential developments on the base during a question and answer period, and sounded a positive note. Slarsky said a proposed federal prison on the base could bring with it between 750 to 1,000 jobs. Owens talked of putting people to work, and housing the homeless.

Though only one of the proposed projects will bring in tax revenue — the freight rail facility — Owens and Slarsky said they would be happy if

other potential occupants of the base would offer their towns payments in lieu of taxes to help cover the costs of services.

When a member of the audience asked if it wouldn't be better to create a whole new town out of Fort Devens, rather than accept the burdens and benefits of absorbing its lands, Slarsky responded, "that's a good question, we have not come to any closure." With its own infrastructure — including water and power supplies — the base could stand on its own as a community in many respects, he said.

Owens seemed reluctant to give up on the idea of restoring lands to Harvard taken away 200 years ago, long before the base was founded in 1917. "We see it [the base] as a solution to lots of problems," he said, "industry, housing — we see opportunity here."

Issue of control?

Those statements brought a stinging reply from Richard Anderson, chair of the Fort Devens Redevelopment Board. The issue of control is at the heart of the matter, he said, once you set aside the rhetoric. "The two towns of Harvard and Ayer would be filing for bankruptcy within a very short time of re-acquiring [their lands within the base]."

Few, if any tax revenues can be expected, Anderson said. Meanwhile, the towns will have to bear high expenses for police, and fire, and other services they will have to provide.

"The question is really one of control," he said. "The problem we have with the town of Harvard in particular is the majority of buildings ... and property being excessed [not used by the military] lies within the town."

"I personally doubt your motives," Anderson said, "when you've had since 1917 to develop [diverse] housing stock, and develop a commercial and industrial base, and you've done none of those things."

"Then you come before me and say you want to put these [things] to public use. I have to accept that with great doubt."

State and Army tackle cleanup

By Bethany Becker
Staff Writer

Among the many concerns connected with the closure of Fort Devens is the environmental legacy left behind by 75 years of Army life.

So far, 59 Superfund hazardous waste cleanup sites have been identified on the base, and placed on the federal Environmental Protection Agency's National Priorities List of sites requiring remediation. Handling the sites on a worst-first basis, the Army has begun cleanup on its landfills, underground storage tanks, waste storage areas, and firing ranges.

Speaking at a forum on the future of Fort Devens Thursday, Oct. 1, Philip Morris, a spokesman for the base, described the Army's number one priority, the Shepley's Hill landfill, as a cleanup and containment project in its final phase.

The second-priority site on the base, an area called Cold Spring Brook where yellow drums and indications of pollution were found, is currently under investigation, he added.

The Army has agreed to "fast-track" its cleanup efforts with the goal of completion by the year 2000, and estimates the process will cost about \$60 million.

Cleanup costs uncertain

Jamy Buchanan, deputy general counsel for the Executive Office for Environmental Affairs, who also spoke at the forum, applauded the Army's effort. But she said that since a comprehensive review of potential contamination has not been done to the satisfaction of the states' environmental agencies, there is some concern that the cost of cleanup will actually be much higher than the Army's estimated \$1 million per site. Cleanup of some sites is expected to cost much less; others, much more.

"In the last year and a half for example," Buchanan said, "in 75 underground storage tanks, we found contamination in 80 percent of those. Those costs are not factored in."

The five agencies under the executive office's umbrella are also concerned by the Army's cleanup priorities, she said.

Local group's concerns

Buchanan is not the only one raising concerns about environmental hazards stemming from contamination on Fort Devens. Tuesday of this week, residents of four towns concerned about potential health impacts of hazardous waste at Fort Devens' Sudbury Annex were scheduled to meet with officials from the Agency for Toxic Substances and Disease Registry (ATSDR).

Residents from Hudson, Maynard, Stow and Sudbury have not been satisfied with the agency's performance in relation to the site. ATSDR is charged with evaluating health risks in areas where hazardous waste exists.

"To some extent, time is on your side. The overall environmental impact is the basis for the state's review."

Jamy Buchanan,
Executive Office for
Environmental Affairs



At the forum, Buchanan emphasized opportunities for public comment on the environmental impact or future development on the base. The Massachusetts Environmental Protection Act, known as MEPA, includes a process designed for people to comment.

Because the base has been designated a "major and complicated" project under MEPA, projects are reviewed individually, rather than as a cumulative whole, Buchanan explained.

Knowing that less cohesive approach discomfited some, Buchanan emphasized the process does not mean less environmental review.

"To some extent, time is on your side," she said. "The overall environmental impact is the basis for the state's review."

Buchanan said that names of those selected to participate in a citizen's advisory committee to advise the Secretary of Environmental Affairs on development projects at Devens was expected this week. Members will be drawn from planning agencies, and citizens of the four towns bordering the base, among others.

How to participate

Other opportunities for public comment, and contact names and numbers were included in this list prepared by Buchanan, which was distributed at the forum:

■ **1. Public libraries in each of the four local towns:** All major and minor environmental cleanup reports, draft and final, are placed in four towns' libraries in Lancaster, Shirley, Harvard and Ayer.

■ **2. Technical Review Committees on Environmental Cleanup:** One committee covers Fort Devens Installation (Main Post/Contonement Area, North Post, South Post/Impact Area); a second covers the Devens Training Annex (Sudbury Annex). Committees advise the Army on technical cleanup matters, and include the EPA and the Massachusetts' environmental agencies as participants. Monthly meetings are open to public. Contact William J. Mullin at Fort Devens Environmental Management Office, (508) 796-3752.

■ **3. National Environmental Protection Act ("NEPA") public comment opportunities:** See Federal Register for periodic pub-

lication of availability of major documents for public comment. Public meetings are held at or near Devens prior to all major decisions. Call libraries for Federal Register. Call Fort Devens for information on status of NEPA documents and filings.

■ **4. Massachusetts Environmental Policy Act ("MEPA") public comment opportunities:** See Massachusetts Environmental Monitor for periodic publication of availability of MEPA documents for public comment (call MEPA at 727-9800, Barbara Kehoe, for local availability). Public meetings are held at or near Devens on all decisions requiring scoping session.

■ **5. Citizens' Advisory Committee ("CAC"):** Citizens committee pursuant to MEPA to advise Secretary of Environmental Affairs on drafts of significant environmental documents submitted as part of Major and Complicated Project process under MEPA (Redevelopment of Fort Devens designated "Major and Complicated Project" under MEPA by Certificate of the Secretary on August 24, 1992).

■ **6. Base Information Office:** H. Carter Hunt, Jr., Fort Devens Base Realignment and Closure Office, (508) 796-3752 (closure issues); Phil Morris, Fort Devens Public Affairs Office, (508) 796-2159 (environmental and general issues).

■ **7. Joint Boards of Selectmen and individual town meetings:** Public meetings are held. Joint Boards of Selectmen of Harvard, Ayer, Shirley and Lancaster meet regularly. Joint Boards' paid consultant: Brett Doney, (617) 784-0950.

■ **8. Massachusetts Department of Environmental Protection and EOE:** DEP's Central Regional Office (state agency overseeing cleanup), (508) 792-7653. Joanne Kasper Dunne: Executive Office of Environmental Affairs (secretariat overseeing all state environmental agencies, including DEP), (617) 727-9800, Jamy B. Buchanan.

■ **9. U.S. Environmental Protection Agency: Region I, James Byrne, project manager; Diane Ready, superfund community relations, (617) 565-3425.**

TOWN OF ACTON
INTERDEPARTMENTAL COMMUNICATION
TOWN MANAGER'S OFFICE

DATE: October 30, 1992

TO: Board of Selectmen
FROM: Don P. Johnson, Town Manager
SUBJECT: FY92 Spending Report

Attached is the FY92 Spending Report that the Board requested.

This report deals with expenditures for which we did not make specific preparations in the FY92 Budget. Some were unexpected and occurred at various times during the year (other than year-end) but our plan was to reconcile at the end of the year and cover them through the bottom line allocation. All were ultimately charged-off against the "bottom line" resources that we generated by virtue of close scrutiny of spending throughout the year.

The bulk of the resources were created through a freeze that was placed on the hiring of replacement personnel. This freeze was maintained throughout the year and was precipitated by our judgement that conditions at NESWC might result in a \$400,000 shortfall by year-end. The freeze was maintained as a hedge against such an occurrence.

In April we were able to predict that the NESWC problem would not occur within the FY92 fiscal year. At that point we identified the areas of the budget where we had confidence there would be resources. Those resources are shown on the report.

With resources identified, we turned to staff for their priorities. When staff priorities were received they were compared against previous Capital Requests and Master Plan priorities in order to make relevant determinations.

The first priorities were for necessary but unanticipated expenditures that had arisen throughout the year. These were the types of items that in previous years were funded through Reserve Fund Transfers but, by virtue of our "bottom-line" agreement with the Fincom, are now taken from our Bottom Line Budget. The next priority was, insofar as possible, to address infrastructure (within the confines of our allocation) in accordance with the wishes expressed by the Fincom in the preparation of the FY92 Budget. Finally, we addressed some of the day-to-day needs of departments who had contributed significantly to the creation of the resources that were identified.

After all of the above was done, the Town still turned back more than \$117,000 at the end of the year.

A handwritten signature in black ink, appearing to be the initials 'J.P.M.' or similar, written in a cursive style.

FY92 EXTRAORDINARY EXPENDITURES

I. RESOURCES: (Balances estimated as of April.
Balances created by freezing personnel
and expenditures due to anticipated
NESWC shortfall of approx. \$400,000)

Labor: Savings from positions
not filled during year.

Building Dept.	\$ 20,000
Planning Dept.	45,000
Fire Dept.	<u>60,000</u>
Tot.	\$125,000

Labor (as noted above):	\$125,000
Utilities:	50,000
Insurance:	40,000
Supplies:	23,000
Advertising:	2,000
Tot.	<u>\$240,000</u>

II. EXPENDITURES: (Expenditures ... beyond those otherwise
planned for year ... authorized against
anticipated year-end resources.
Authorization given only after gaining
confidence that extraordinary costs, for
which staff had made unilateral
preparation, would not occur.)

1. Fire Dept.:

- Replace half of old self-contained breathing apparatus (previous Cap. Request)	\$ 30,000
- Update protective clothing	14,000
- Portable Radio replacement	6,000

2. Police Dept.:

- Replace dispatch recording equipment	12,000
- Replace Repeater	3,000

3. Building Dept.:

- Extend record retention micro fiche program	8,000
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4. Planning Dept.:
- Personal Computer with software program to support Master Plan and Village Planning tasks 10,000
5. Highway Dept.:
- Meade Terrace stone retaining wall 11,000
 - Mass Ave sidewalk repair/resurfacing 12,000
 - Waste Oil Tank replacement at DPW Garage 24,000
 - Street Sweeper additional rental 16,000
 - Purchase granite stock as inventory for future headwall replacement and repair 6,800
6. Municipal Properties Dept.:
- Windsor Ave. Building repair/refurbishment (heat, fire escape, elect., paint, plumbing) 8,200
 - Ctr. Fire (overhead door, stair repair, fence @ rear) 2,000
 - South Fire (rebuild heating system from in-slab, asbestos removal) 8,000
 - Woodlawn Cem. Bldg.- reroof 3,300
 - Town Hall cleaning, paint and shutters 24,900
 - Town Hall draperies for Hearing Room for acoustic control (P.O. remains open) 4,700
 - W.A. Library (repair old kitchen and replace carpet in reading room) 1,700
 - Police Building conversion to gas heat 2,100
 - DPW Building (replace large overhead door, replace locker room floor and add ceiling exhaust fan) 3,700
 - Monument Lights 2,500
 - General to All Buildings:
 - Clean boilers 1,700
 - Water back-flow prevention devices added per order of Water District 3,500
 - Replace Highway Dept. base station radio (old unit died) 1,200

- Cemetery Truck - Town's full share paid rather than financed 11,200
- Conservation Lands
 - 6 steel gates for fire lanes to prevent dumpers and unauthorized vehicular access 2,200
 - 6 picnic tables for recreation areas 700

7. Engineering Dept.:

- Reconfigure Lawsbrook/School Street intersection (P.O. for design and materials remains open) 15,000

Total \$238,400

TOWN OF ACTON
INTERDEPARTMENTAL COMMUNICATION
TOWN MANAGER'S OFFICE

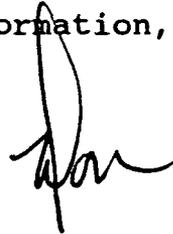
DATE: October 30, 1992

TO: Board of Selectmen
FROM: Don P. Johnson, Town Manager
SUBJECT: Marshall Land

The attached report has been prepared by town Counsel in response to your questions on the P&S for the subject property. I have directed Counsel to prepare the Board's answer as per your original vote.

I wish to call your attention to Counsel's observation with respect to a possible alternative purchase position if the Town were so inclined. This aspect is discussed under "Conclusion" on the last page of the report.

It is my belief that the Board is not interested in this approach and I have so advised Town Counsel. If I am mistaken in this belief there is still time to withhold your original response. To that end, I do not plan to release the letter to the petitioner until the middle of next week. If Board members have any questions in this regard or wish to reconsider the Board's position in light of this information, please let me know early next week.



PALMER & DODGE

OCT 19 1992

One Beacon Street
Boston, Massachusetts 02108

Norman P. Cohen
(617) 573-0386

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

October 16, 1992

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

Dear Don: (Marshall Land)

Enclosed is a memorandum relating to the Marshall Land. After you have reviewed it, please call Aaron von Staats at (617) 573-0467 and he will draft a reply letter for you. I will be on vacation for the next two weeks.

Very truly yours,



Norman P. Cohen

NPC:jag

Enclosure

MEMORANDUM

To: Norman Cohen
From: Aaron von Staats
Date: October 14, 1992
Re: Town of Acton - First Refusal Option under M.G.L. c. 61, § 8.

Our client, the Town of Acton (the "Town"), has received notice from an Acton landowner (the "Owner") that the Owner has received an offer to purchase a 6.18 acre parcel of land, a portion of which is classified a Forest Land pursuant to G.L. c. 61, § 2 (1990), and is subject to the town's statutory First Refusal Option under G.L. c. 61, § 8. The parcel of land to be sold is designated "Lot 4" on the applicable Acton Plan of Land and is part of a larger, 90+ acre tract of land known as the "Marshall Land." A total of 84.7 acres of the Marshall Land are presently classified as Forest Land pursuant to chapter 61 and are subject to the Town's statutory First Refusal Option under G.L. c. 61, § 8.

The Purchase and Sale Agreement covering the proposed sale of Lot 4 designates a purchase price of \$437,000 and covers the land constituting Lot 4 as well as the buildings thereon. Additionally, § 30.9 of Schedule B of the Purchase and Sale Agreement purports to grant the buyer a "right of first refusal" over additional parcels of the Marshall Land that are not directly involved in the present sale. Specifically, § 30.9 purports to grant the buyer a right of first refusal over Lot 3 of the Marshall Land and over all, or a portion of, an open field (the "Open Field") located opposite the residence on Lot 4.

Acting through its Board of Selectmen, the Town voted on September 22, 1992 not to exercise its right to match the Offer to Purchase Lot 4. However, the Town does wish to retain its First Refusal Option over the remaining, unsold acreage of the Marshall Land. The Town has asked us to determine whether its decision not to exercise its First Refusal Option with respect to Lot 4 will jeopardize its First Refusal rights with respect to the remaining portions of the land. The Town is particularly concerned that the language in § 30.9 of the Purchase and Sale Agreement might affect the Town's First Refusal rights with respect to Lot 3 and the Open Field.

First Question Presented

Does a town which possesses a First Refusal Option over a tract of forest land pursuant to G.L. c. 61, § 8, and which allows a portion of that land to be sold without exercising its First Refusal Option, waive its First Refusal Option over the remaining, unsold land?

Brief Answer

No. Nothing in the language of G.L. c. 61 suggests that a town waives its First Refusal rights over an entire tract of Forest Land when it permits a portion of that land to be sold or converted to other use. Moreover, the policy underlying Chapter 61 would be undermined if a town were deemed to have waived its First Refusal rights over an entire tract of Forest Land simply because the town permitted a portion of that land to be sold or converted to other use. Finally, Massachusetts case law establishes that a right of first refusal with respect to the sale of land does not spring into existence until the owner of the land has received a bona fide offer to purchase the land. Accordingly, because the owner of

the Marshall Land has not received an offer to purchase any land other than Lot 4, only the Town's rights with respect to Lot 4 are implicated in the present sale.

Second Question Presented

Does the language in § 30.9 of the Purchase and Sale Agreement, which purports to grant the buyer a Right of First Refusal over specified parcels of the Marshall Land not directly involved in the present sale, diminish or jeopardize the Town's First Refusal rights with respect to those specified parcels?

Brief Answer

No. Because the owner of the Marshall Land has not received an enforceable offer to buy any parcels other than Lot 4, the Town's action in declining to exercise its First Refusal Option with respect to Lot 4 is not likely to be deemed a waiver of the Town's rights with respects to the other parcels. To the extent that the language in § 30.9 of the Purchase and Sale Agreement is in conflict with the Town's statutory First Refusal Option under section 8, it is likely that the right of first refusal granted to the buyer under the Purchase and Sale Agreement would be construed as subordinate to the Town's statutory First Refusal Option.

Discussion

Chapter 61 of the Massachusetts General Laws sets forth a comprehensive scheme for the classification and taxation of Forest Land and Forest Products. See G.L. c. 61, § 1 et seq. (1990). In order to qualify for chapter 61 tax status, an owner of land must file an application and an approved forest management plan with the local board of assessors. G.L. c. 61, § 2. If the application is granted, and the land is classified as Forest Land, the classification is effective for ten years unless one or more statutorily proscribed events occurs.

By applying to have land classified as Forest Land under chapter 61, the owner of such land necessarily accepts the conditions that chapter 61 imposes upon the use of the Forest Land. One of these conditions is that the land will be subject to a First Refusal Option which G.L. c. 61, § 8, grants to the city or town in which the land is assessed. Pursuant to section 8, the assessing city or town is granted the right to purchase Forest Land within 120 days of the owner's giving notice that the owner intends to convert the land to, or sell the land for, residential¹, industrial, or commercial use. In the case of an intended sale, the city or town can exercise its First Refusal Option under Section 8 by matching the proposed buyer's bona fide offer to purchase the land. In the case of an intended conversion of land, the city or town can exercise its First Refusal Option by purchasing the land at its full and fair market value as determined by an impartial appraiser.

While section 8 grants a city or town an affirmative right to purchase Forest Land under specified conditions, nothing in the language of section 8 suggests that a town waives its First Refusal Rights over an entire tract of Forest Land when it permits a portion of that land to be sold or converted to other use. Indeed, in light of other sections of Chapter 61 which suggest that the Legislature contemplated that portions of Forest Land can be withdrawn from such classification without affecting the status of the remaining land, see, e.g., G.L. c. 61, § 7 (imposing a "withdrawal penalty tax" where an owner withdraws Forest Land, "or any part thereof," from such classification) (emphasis added); G.L. c. 61, § 2 (providing that, if a tract of land consists in part of land that qualifies for Forest Land classification and in part of land that does not, the portion so qualifying may be granted

¹The statute permits an owner of Forest Land to convert the land, without penalty, for the residential use of the owner or the owner's immediate family.

Forest Land classification), it is unlikely that section 8 would be construed in a manner which would penalize a town for allowing a portion of such land to be converted to other use.

Additionally, the policy considerations underlying chapter 61 also support the conclusion that a town can decline to exercise its First Refusal rights with respect to certain parcels of land while retaining its rights with respect to others. The apparent purpose of Chapter 61 is to preserve Forest Land within the Commonwealth. This policy is reflected in the provision in G.L. c. 61, § 7, which imposes a withdrawal penalty on owners who convert Forest Land to other use, as well as in the provision in G.L. c. 61, § 8, which permits a town to assign its First Refusal Option to a conservation group "for the purpose of maintaining a major portion of the property subject to [such] assignment in use as forest land". *Id.* at § 8. If section 8 were construed in such a fashion that a town's decision not to exercise its First Refusal Option over one parcel of land were deemed a waiver of the town's rights over remaining forest land, this policy of preserving Forest Land would be undermined.

Finally, case law construing the term "right of first refusal" also supports the conclusion that a town can decline to exercise its First Refusal rights in connection with the sale of one parcel of Forest Land while retaining its rights over remaining, unsold Forest Land. Specifically, the Massachusetts Supreme Judicial Court's decision in Roy v. George W. Green, Inc., 404 Mass 67 (1989), S.C. 408 Mass 721 (1990) supports such a conclusion. In Roy, the Supreme Judicial Court held that, in the absence of contractual or statutory language to the contrary, the term "right of first refusal" (or any expression of similar import with respect to real property), refers to a right that arises only after the owner of the

property has received an enforceable, bona fide offer to buy from a third person. Id. at 70. In reaching this conclusion, the court reasoned that, because a right of first refusal is only meaningful to its holder when the owner of the land has elected to sell the land, and because an owner of land cannot elect to sell until the owner has received a bona fide and enforceable offer to purchase, the right of first refusal does not spring into existence until the landowner receives such a bona fide offer to purchase. Id. at 69-70.

Based on the reasoning and holding of the Roy case, it is doubtful that the Town's decision not to exercise its First Refusal Option with respect to Lot 4 would be deemed a waiver of its rights with respect to the remaining Marshall land. Quite simply, under Roy, the Town's First Refusal Option with respect to the remaining Marshall Land has not yet arisen, as there has been no offer to purchase (or proposal to convert to another use) that additional land. For the same reasons, it is doubtful that the language in § 30.9 of the Purchase and Sale Agreement purporting to grant the buyer a right of first refusal over other portions of the Marshall Land would take precedence over the Town's statutory First Refusal Option. The language in § 30.9 does not constitute an enforceable, bona fide option to purchase the land, nor does it effectuate a conversion of the land to a different use such that the town's First Refusal Option would be triggered. The contractual provision simply conflicts with the Town's statutory First Refusal Option and necessarily must yield.

Conclusion

Based on the foregoing, it appears that the Town will not be jeopardizing its First Refusal rights with respect to the remaining Marshall property by permitting the proposed sale of Lot 4 to be carried through. The Town should be advised, however, regarding one additional issue that the Town apparently has not considered. This issue stems

from the fact that only a portion of the land involved in the proposed sale of Lot 4 is presently classified as Forest Land. In electing not to match the \$437,000 offer to purchase Lot 4, it appears that the Town assumed that it was required to match the full purchase price in order to exercise its option. It is unclear, however, that this assumption is correct. Given that the Town's First Refusal Option extends only to that portion of Lot 4 that is comprised of Forest Land, see G.L. c. 61, § 8, it may be that the Town is entitled to purchase that portion of Lot 4 which consists of Forest Land without buying the remaining portions of Lot 4. Indeed, there is some judicial authority for this position, as some courts have held that the grantor of a right of first refusal cannot defeat the holder's right by combining the property subject to the refusal right with other property and then selling the combined property to a third party. See, e.g., Pantry Pride Enterprises v. Stop and Shop Companies, 806 F. 2d 1227 (4th Cir. 1986). See generally, Farnsworth, Contracts, § 3.23a (1990). It is unclear whether this principle would apply in the present case, but the Town may wish to explore this issue further.