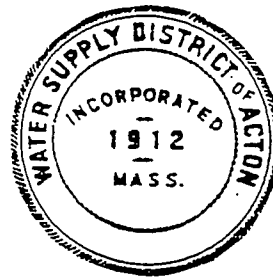


ANNUAL REPORT  
OF THE  
WATER SUPPLY DISTRICT  
OF  
ACTON, MASSACHUSETTS

For The Year Ending December Thirty-first 1996



WARRANT ARTICLES  
FOR THE  
ANNUAL MEETING

MARCH 19, 1997

Charles Emerson Orcutt, Jr.  
District Counsel & District Moderator

The Water Supply District of Acton has dedicated the Annual District Report to Charles Orcutt our District Counsel since 1968 and District Moderator for two years. Charles was a dedicated friend, mentor and legal expert in the water field, having served as counsel during the W.R. Grace contamination suit. A Bowdoin College graduate in 1954, a first lieutenant in the U.S. Army Charles continued his education receiving an M.A. in Education from Columbia University and Juris Doctor from Boston College Law School. An active member of the Acton community, Charles served on the Acton Planning Board, member of the New England Section of the American Water Works Association, active in the Friday Night Fun Club (a social group for special needs adults), a lecturer at Northeastern Law School, Babson College, the American Institute for Banking and Adult Education programs at Acton-Boxboro and surrounding towns. Charles joined the firm of Wilson & McCabe in Maynard in 1964, was Senior Partner and President of Wilson & Orcutt, Acton, MA.

"No More Church Picnics"

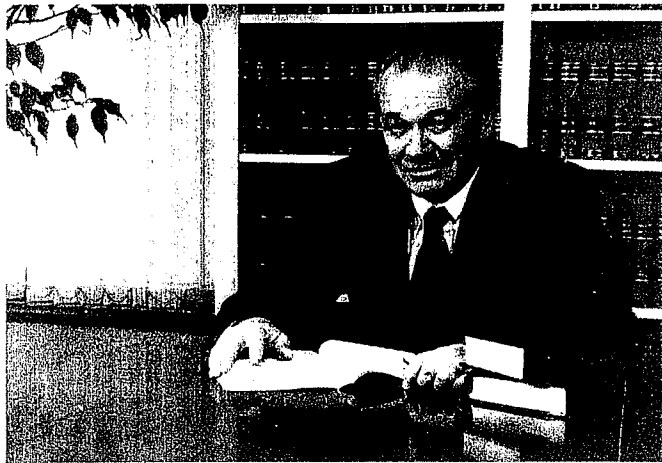
I have had the extraordinary privilege of serving four terms as Water Commissioner with Charles Orcutt as Water District Counsel. Charlie's advice to the Commissioners was delivered with focus, patience and good humor, no matter how profound or homely the issue. His insights were instrumental in enabling us to make the best possible decisions. He was a pillar of strength during the trying negotiations with the W.R. Grace corporate "hit squad". He was a source of innovative direction based on established legal principles when the Commissioners confronted the need to restructure the Water District's hookup fee structure to accurately accommodate the capital expense implicit in adding customers to the District water mains.

I remember with particular clarity our discussing the word "obfuscate", with specific reference to the wording of certain state laws, declarations, or requirements (which shall remain nameless here). In these cases, Charlie held that the wording involved not only failed to clearly delineate the rationale or the practical implications, but also seemed to mislead as to the actual underlying precept. We seized upon "obfuscate" as the verb of choice. However, obfuscation was the exact opposite of Charlie's modus operandi:

It brings a smile to my face as I write now about Charlie's teaching his concept of the "church picnic". His definition of the church picnic, paraphrased, was any indulgence by the Commissioners that was not supported by Water District Charter, By-Laws or Rules, Rates and Regulations or by State or Federal law. He patiently explained to the Commissioners, for example, that we were compelled to charge a modest hookup fee to student groups that organized car washes to raise funds (the actual water used was unmetered). Charlie explained it all to us in terms that we could understand: Free car washes were actually "church picnics". No can do! So were adjustments to bills due from sticker-shocked water takers who received a corrective bill based on an actual meter reading that followed years of underestimated bills. Or large bills due to meter pit leakages. Or leaks past the water meter. Church picnics, all.

On the brighter side, it is possible that our inability to grant such "church picnic" relief may have resulted in increased church attendance in the quest of Holy intervention. At times it also seemed to increase attendance at the semimonthly Commissioners meetings by one of two souls. Now we've lost one of our dearest souls, a good and faithful servant, whose wisdom is a priceless, timeless gift to us all. We miss you, Charlie. Dormi in pacem.

Commissioner Leonard A. Phillips  
January 26, 1997



Charles Emerson Orcutt, Jr.

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Commissioners meet on second and fourth Monday of each month, at  
7:30 P.M., in the Harlan Tuttle Building, 693 Massachusetts Avenue, Acton

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## **WATER DISTRICT ORGANIZATION - 1996**

### **ELECTED OFFICIALS**

#### **COMMISSIONERS**

Stephen C. Stuntz, Chairman	Term expires 1999
Ronald R. Parenti	Term expires 1998
Leonard A. Phillips	Term expires 1997

#### **CLERK**

Jane Cutler	Term expires 1997
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#### **MODERATOR**

Richard P. O'Brien	Term expires 1997
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### **APPOINTED OFFICIALS**

#### **FINANCE COMMITTEE**

Theodore Jarvis	Term expires 1998
William Kingman	Term expires 1999
Charles Bradley	Term expires 1997

#### **DISTRICT MANAGER**

James L. Deming	Contract expires 1999
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#### **TREASURER & COLLECTOR**

Linda M. Larson	Term expires 1997
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#### **ATTORNEY**

Mary Bassett-Stanford	Term expires 1997
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#### **COMMISSIONERS SECRETARY**

Pamela Sullivan	
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#### **ACCOUNTANTS**

Scheid & Mara, P.C.	
---------------------	--

**WATER DISTRICT STAFF - 1996**

DISTRICT MANAGER	James L. Deming
SUPERINTENDENT	Carleton Troupe
TREASURER/COLLECTOR	Linda M. Larson
SECRETARY/A/P BOOKKEEPER	Debra A. Pyrro
CLERK/A/R BOOKKEEPER	Helen F. Argento
FOREMAN	Robert Koch
ASSISTANT FOREMAN/ CROSS CONNECTION SPECIALIST	Stephen G. Peterson, Jr.
OPERATOR/WELL SPECIALIST	Paul McGovern
OPERATOR/DISTRIBUTION MAINTENANCE	Patrick DeCesare Ronald Davan
OPERATOR/MAINTENANCE	Charles Rouleau

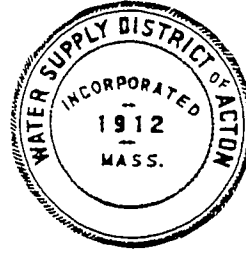
ACTON WATER DISTRICT



WARRANT

MARCH 19, 1997

COMMONWEALTH OF MASSACHUSETTS  
Middlesex, s.s.



To the Clerk of the Water Supply District of Acton, GREETINGS:

You are directed to notify the inhabitants of the Town of Acton qualified to vote in elections and town affairs, to assemble at their precinct:

Precincts 1 & 2 - Conant School - Taylor Road  
Precincts 3, 4 & 5 - Blanchard Auditorium, off  
Massachusetts Avenue

On **TUESDAY, APRIL 1, 1997**  
between 7 o'clock A.M. and 8 o'clock P.M.

Then and there to bring their votes on one ballot for the following officers:

Moderator for one year, one Commissioner for three years, Clerk for one year.

---

You are further requested to notify the legal voters of said Town of Acton, as aforesaid, to assemble at the

Acton-Boxborough Junior High School Auditorium  
Charter Road at Mass. Avenue, West Acton  
On **WEDNESDAY, MARCH 19, 1997**  
at 7:30 o'clock P.M.

Then and there to act on the following articles:



Article 1. To fix salaries of the elected officials.

Article 2. To Act on the reports of the Commissioners, the Treasurer and other officers and committees of the District.

Article 3. To see if the District will vote to authorize the Treasurer, with the approval of the Commissioners, to borrow in anticipation of the revenue of the fiscal year beginning July 1, 1997, in accordance with the provisions of General Laws, Chapter 44, Section 4, and to renew any note or notes as may be given for a period of less than one year, in accordance with the provisions of the General Laws, Chapter 44, Section 17, or to take any other action relative thereto.

Article 4. To see what sums of money the District will vote to raise and appropriate to defray the usual expenses of the District.

Article 5. To see if the District will vote to transfer from Receipts Reserve for Appropriation Account (W.R. Grace settlement), the sum of \$60,000.00 for the maintenance and operation, carbon replacement and power costs at the various treatment plants operated by the District, or to take any other action relative thereto.

Article 6. To see if the District will authorize the Treasurer, with the approval of the Commissioners to transfer to Surplus Revenue Account the following unexpended balances remaining after the completion of projects authorized by vote of the District.

A. Unexpended balance in the sum of \$297.23 for project completed under Article #8, of the Annual Meeting on March 16, 1994, which approved purchase of software, and set up new computer programs for the District.

B. Unexpended balance in the sum of \$1,496.17 for project completed under Article #9, of the Annual Meeting of March 20, 1991, to install a PreCast Utility Building off Ethan Allen Drive.

C. Unexpended balance in the sum of \$2.40 for project completed under Article #9, of the Annual Meeting of March 16, 1996, which approved installation of new carpet, drapes, and replace chairs in the present conference room in the Harlan Tuttle Building, located at 693 Massachusetts Avenue in Acton.

D. Unexpended balance in the sum of \$4076.30 for project completed under Article #14, of the Annual Meeting of March 16, 1994, which approved installation of an emergency back-up power source and a gas line to run the generator for the Kennedy well located in North Acton, off Route 27, Main Street.

E. Unexpended balance in the sum of \$3,984.94 for project completed under Article #24, of the Annual Meeting of March 16, 1994, which approved to pay for a survey, legal fees and appraisal of a parcel of District land located off Nagog Hill Road in Acton.

F. Unexpended balance in the sum of \$9,072.80 for project completed under Article #3, of the Special Meeting of September 28, 1994, which approved replacement of power lines and to install overhead power lines that feed power to the Lawsbrook Well and the Scribner Well-field from the School Street Treatment Plant.

G. Unexpended balance in the sum of \$87.64 for project completed under Article #6, of the Annual Meeting of September 28, 1994, which approved additional funds for the proposed new District office building, and funds for the removal of overhead electrical, telephone and cable lines, and funds for the installation of underground communication lines.

H. Unexpended balance in the sum of \$7.88 for project completed under Article #7, of the Special Meeting of October 23, 1996, which approved exterior landscaping, grading, seeding and needed maintenance to existing large trees at the District offices and make final payment for professional fees after the completion of the New District office.

I. Unexpended balance in the sum of \$300.00 for project completed under Article #2, of the Special Meeting of October 23, 1996, which approved internal inspection of all the District's above ground water tanks.

J. Unexpended balance in the sum of \$1,337.41 for project completed under Article # 4, of the Special Meeting of August 20, 1984, which approved a testing program of the septage being discharged into and out of the lagoons of said disposal facility, for the purpose of determining the quality of the effluent being discharged into the groundwater in the area adjacent to land being acquired by the District in North Acton.

K. Unexpended balance in the sum of \$2.65 for project completed under Article #9, of the Annual Meeting of March 16, 1988, which approved the upgrade of power lines and equipment for the Whitcomb Well Building in West Acton.

Article 7. To see if the District will vote to transfer from Surplus Revenue \$50,000.00 to continue the replacement of current water meters, or to take any other action relative thereto.

Article 8. To see if the District will vote to transfer from Surplus Revenue \$50,000.00 for the purpose of renewing numerous outdated water services from

existing water mains to the property line; and to change several old outdated fire hydrants, or to take any other action relative thereto.

Article 9. To see if the District will authorize the Commissioners to transfer from Surplus Revenue a certain sum of money to install approximately 3600 feet of new water mains and appurtenances along Route 2A, or to take any other action relative thereto.

Article 10. To see if the District will vote to transfer from Surplus Revenue a certain sum of money to purchase a new dump truck, and to authorize the Commissioners to trade or sell a 1 ton dump or plow dump truck, or to take any other action relative thereto.

Article 11. To see if the District will vote to transfer from Surplus Revenue a certain sum of money to purchase a new vehicle, and to authorize the Commissioners to trade or sell a 1992 Ford Taurus, or to take any other action relative thereto.

Article 12. To see if the District will vote to transfer from Surplus Revenue \$11,000.00 to clean the interior of the Flagg Hill and Nagog Hill Reservoirs, or to take any other action relative thereto.

Article 13. To see if the District will vote to transfer from Receipts Reserve for Appropriation Account (W.R. Grace settlement), a certain sum of money to build a treatment facility for the Clapp and Whitcomb wells, or to take any other action relative thereto.

Article 14. To see if the District will vote to transfer from Surplus Revenue a certain sum of money to follow the recommendations of the Water Supply Management Plan including chemically treating existing wells to attain maximum pumping capacity, installing telemetry and initial SCADA (Supervisory Control And Data Acquisition) equipment to electronically monitor water quality and quantity, or to take any other action relative thereto.

Article 15 To see if the District will vote to transfer from Surplus Revenue the sum of \$75,000. to design the Conant II well and pumping station in accordance with the District's Master Plan, or to take any other action relative thereto.

**FY 97 Appropriations and Six Months Actual Expenditures**

Account Name	FY 98 Appropriations		FY 98 Appropriation
	FY 97 Appropriation	Six Months Expenses	
Accounting	N/A	N/A	5,000.00
Audit	13,000.00	13,000.00	13,000.00
Auto Maint. & Fuel	18,000.00	6,117.75	16,500.00
Backflow/Cross.Conn.	4,000.00	44.14	5,000.00
Bank Fees	1,000.00	.00	1,000.00
Bonds, Interest & Fees	340,075.00	34,287.50	276,275.00
Chemicals	40,000.00	7,711.24	38,000.00
D.E.P. Withdrawal Fees	6,000.00	4,366.46	6,000.00
Education	5,500.00	4,560.60	9,000.00
Engineering	10,000.00	8,187.63	10,000.00
Equipment Rental	3,000.00	.00	3,000.00
Health & Life Insurance	107,900.00	46,977.98	110,000.00
Hydrants	N/A	N/A	10,000.00
Insurance	45,000.00	23,346.95	35,000.00
Lab. Analysis	10,000.00	4,192.44	11,000.00
Legal	20,000.00	4,297.85	20,000.00
Lights/Power/Fuel	110,000.00	52,374.16	115,000.00
Maintenance & Operations	85,000.00	55,058.97	85,000.00
Middlesex County Retirement	50,526.00	49,271.00	50,500.00
Meters	15,000.00	14,929.24	15,000.00
Office Supplies	10,000.00	9,698.65	12,000.00
Permanent Paving	8,000.00	8,000.00	12,000.00
Petty Cash/Misc.	1,000.00	250.00	1,000.00
Postage	10,000.00	3,292.50	10,000.00
Reserve Fund	30,000.00	.00	30,000.00
Salaries & Wages	525,000.00	264,056.07	550,000.00
Telephone	18,000.00	4,699.35	18,000.00
Water Words Notices	<u>1,800.00</u>	<u>753.75</u>	<u>2,000.00</u>
<b>Totals:</b>	<b>\$1,487,801.00</b>	<b>\$819,474.23</b>	<b>\$1,469,275.00</b>

**Budgeted FY97 Revenue  
Actual 6 months revenue FY97  
Revenue Anticipated FY98**

Water Rates	1,324,776.00	763,666.61	1,303,150.00
Sprinklers	14,625.00	14,126.35	14,125.00
Rent/Lease	34,400.00	15,117.87	32,000.00
Cross Connection	4,000.00	1,580.64	N/A
Cross Connection & Installations/Repairs	N/A	N/A	20,000.00
Demand Fees & Repairs	110,000.00	157,606.31	N/A
Demand Fees	<u>N/A</u>	<u>N/A</u>	<u>100,000.00</u>
<b>Totals:</b>	<b>\$1,487,801.00</b>	<b>\$952,097.78</b>	<b>\$1,469,275.00</b>

Report of the Treasurer  
Audited Account Balances

June 30, 1996

Fleet Bank

Checking Account	(9,238.71)
Savings Account	42,808.46
CD	100,000.00

MMDT

Interest Account	978,770.74
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MMDT

W.R. Grace, account payable checking	19,520.99
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Middlesex Savings

Savings Account	33,567.46
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Bank of Boston

Savings Account	5,241.17
CD	100,000.00

Report of the Collector  
Audited  
June 30, 1996

Outstanding June 30, 1996	35,034.43
Charges	1,878,049.40
Interest Charges	5,001.57
Refunds	<u>673.79</u>

TOTAL:	\$1,918,759.19
--------	----------------

Payments	1,871,572.52
Abatements	2,504.15
Adjustments	.00
Outstanding June 30, 1996	<u>44,682.52</u>

TOTAL:	\$1,918,759.19
--------	----------------

History of Charges

Fiscal 1994	1,824,917.77
Fiscal 1995	1,665,186.67
Fiscal 1996	1,878,049.40

Respectfully submitted:  
Linda M. Larson  
Treasurer/Collector

Water Supply District of Acton

Amortization Schedule - Bonds and Interest

Original Amount	Balance 6/30/96	FY1997 1996 - 1997 Principal Interest	FY1998 1997 - 1998 Principal Interest	FY1999 1998 - 1999 Principal Interest	FY2000 1999 - 2000 Principal Interest	FY2001 2000 - 2001 Principal Interest
Water Bonds 595,000.00	45,000.00	45,000.00 3,375.00				
Water Bonds 625,000.00	100,000.00	50,000.00 6,400.00	50,000.00 3,200.00			
W.P. Walsh Reservoir 2,100,000.00	875,000.00	175,000.00 58,800.00	175,000.00 47,075.00	175,000.00 35,350.00	175,000.00 23,625.00	175,000.00 11,812.00
Totals:	1,020,000.00	338,875.00	275,275.00	210,350.00	198,625.00	186,812.00
Agency Fees:		1,500.00	1,000.00			
		340,375.00	276,275.00			

**Acton Water District  
Annual Report of Commissioners**

The Commissioners are pleased to make the following report to the residents of the Acton Water District. As commissioners, we are concerned with the long-term direction of the District. Our oversight of the day to day affairs is fairly straightforward given the quality of the staff at the District.

There have been substantial changes between fiscal 1996 and fiscal 1998. We have a new District Manager - Jim Deming, a new lawyer - Mary Bassett-Stanford - and a new office building from which to run the District. What we have not changed is our commitment to deliver pure water inexpensively and reliably to the Town of Acton.

The power outages and the heavy rains have not hampered operations. We did have one incident of too much water overflowing the top of a well and contaminating it briefly with benign bacteria. We are reviewing this situation to make sure that it does not happen again. The backup generators came on during the power outages and provided water whenever needed.

Our new District Manager has settled in and taken charge. We had a special meeting in the Fall of 1996 in order to approve expenditures for the engineering of the next steps in our long range plans. The spring meeting will approve the additions to the system. We are also starting the long process of bringing the Conant II well site on stream. It takes about 5 years to acquire and build a new well. The Town has received over 150 requests for new houses to be built in the next several years. Given the nature of the Town, we can expect continued growth as people move to Town because of its abundant resources.

Under Jim's suggestion we are also reviewing our water rate structure. He has proposed that we eliminate the minimum rate charge and go to an inclining rate to encourage further conservation. This kind of water rate change will be implemented on July 1st for the coming fiscal year.

As always we are delighted to represent you as your commissioners. It is particularly gratifying given the competence and dedication of the whole staff here at the Acton Water District. They care about what they do and for that we thank them.

Respectfully submitted

Stephen Stuntz  
Ron Parenti  
Len Phillips

## REPORT OF THE DISTRICT MANAGER

The following report covers the activities of the District for 1996.

New house installations	101
Old service lines replaced or renewed	14
Old meters replaced with new meters	54
Repair of damaged hydrants	11
Repair of water mains and service breaks	19
Replacement of old fire hydrants	10
New water mains installed in 1996	

Woodfield Road  
Beechnut Street  
Walnut Street  
Completion of Acorn Park Drive  
Blue Heron Way  
Lexington Drive  
Captain Handley Road  
Farmstead Way  
Anders Way  
Phase 2 - Davis Road

Total gallons pumped in 1996 - 647,286,000

District personnel also installed 600 feet of 8 inch Ductile Iron pipe in an easement between Sachem Way and Captain Handley Road. This allowed us to connect two dead ends and improve water quality in the entire area.



### **Report of the District Manager**

As a newcomer to the Town of Acton in general, and to the Acton Water District in particular, it has been my pleasure and privilege to have taken over the reins of an organization that comes equipped with such a dedicated group of employees who are supported by a well informed and caring community.

While the District is not without its problems, it has been well positioned for the future due to the efforts of many long term appointed and elected officials.

The residents of the District should be proud of the work that has led them to this point, and I can only promise to continue that same level of effort.

Perhaps one of the most important issues facing the District in the immediate future is the potential construction of a sanitary collection and treatment system. The residents of the District are 100% dependent upon groundwater as their source of potable water and at the same time the community is still 100% dependent upon on site disposal systems (septic systems) to dispose of its waste water.

The Water District fully supports the town in its effort to create a public sewer system and District officials have been actively working with Town officials to arrive at the most appropriate way to structure such a system. This type of cooperative effort will clearly help to insure that all of the residents of the community are fairly represented.

The Water District continues to develop and expand very rapidly. This summer we will be expending over \$500,000. on the installation of new water mains on Route 2A to improve service in the North Acton area.

While the District has a sufficient supply of water to service its existing customers, that supply gets perilously low during the hot summer months. Conformance by everyone with the odd/even outdoor watering restrictions will help to insure that additional, more stringent, restrictions will not be needed. Virtually every professional in the landscaping industry would agree that watering more frequently than every 48 hours is not needed, and if we all keep this in mind no one should have to sacrifice unnecessarily.

The Water District has continued to have water quality problems with its West Acton supplies. While not a health concern, the "dirty water" that is sometimes seen continues to plague some residents during the summer. A pilot study, employing new treatment techniques, is currently under way and we hope to have a permanent solution shortly.

The District's new office building is now complete and functional, and is a great improvement over the cramped quarters utilized in the past.

We are continuing to update our computer systems and have stepped up our efforts to install new radio frequency type water meters in all District locations. When complete, this program will lead to a more accurate and timely billing process and will allow us to bill more frequently without disturbing the District's residents.

I would like to take this opportunity to thank the Board of Selectmen, the Town Manager, the Board of Health, the Engineering Department, the Highway Department, the Fire and Police Departments and all other town departments who have helped the District over this past year and have made my personal decision to come to Acton, a pleasurable one.

Most of all, I want to thank the District Commissioners, the Finance Committee, District Council, the District Employees and all of the residents of the District for their support and cooperation over the past year.

James L. Deming  
*District Manager*

Annual Report of the Finance Committee  
For 1996

The AWD Finance Committee is appointed by the moderator. The finance committee reviews the budget, makes recommendations on financial matters to the commissioners, the district treasurer, the district management and monitors the financial activities of the district. The finance committee makes a recommendation on each article that has a financial impact at district meetings.

The Acton Water District is in a good financial position. The overall financial health of the district makes it likely that the commissioners will be able to reduce water rates for most residents again in 1997.

For several years, the income to the district has exceeded the expense of supplying the water. The income from water bills has approximately matched the expense of supplying the water. The construction boom has continued, generating more demand charges (hook-up fees) than anticipated. The excess accumulated in a fund called free cash and has been used for most of the projects approved at the annual and special district meetings. New hook-ups represent potentially increased future demand for water, so it is appropriate that the hook-up fees be used for capital or long-term projects.

The district has not had to assume any additional long term debt since 1989, when the William P. Walsh reservoir was built. Payments to amortize the debt continue to decline. If no additional debt is required, the district is on schedule to be debt-free in 2001. Major capital improvement projects are often financed by bonds, and the district probably will fund some capital projects partly from free cash and partly from bonded debt.

The Grace fund is a result of a suit when the water supply of Acton was polluted. The money is intended to treat water, and to keep it free of contamination. Each year, about \$60,000 or more is spent for that purpose. In spite of that, the balance has increased over the years. The fund balance at the end of the fiscal year, 6/30/96, was \$2,315,439. Originally, the fund was invested 100% in bonds. Over a period of five to ten years or longer, stocks have generally been a more profitable investment than bonds, but bonds have been more stable if the money is needed suddenly, as for a pollution emergency. As time passes, the cost of dealing with a hypothetical pollution emergency has increased, and probably will continue to increase, but the probability of encountering that emergency has decreased. As the probability of a pollution emergency has decreased, the fund has gradually moved to 60% or more in bonds and up to 40% in stocks. This provides more than enough liquidity to meet the expected expenses, and appreciation to meet the higher expenses in the future if we have a pollution emergency.

The district continues to operate efficiently. For example, the joint purchasing program provides substantial savings on chemicals. Many old meters have been replaced with more accurate models. The district has experimented with remote meter reading equipment. This technology may save time and money, increase the accuracy of bills, avoid inconveniencing the customers, and allow staggered billing so the flow of revenue would be more even and the district could respond to trends sooner.

In 1964, AWD had 5 employees and provided 292,757,000 gallons of water to 2507 customers. In 1995, AWD had 11 employees and provided 545,807,000 gallons of water to 6233 customers.

Jock MacLeod retired in 1996 after 31 years with the district and 18 years as Manager. The Finance Committee thanks him for the excellent job he did on behalf of the residents of Acton, and for the way he made it easy and pleasant to do our job.

Jim Deming, the new Manager, continues the tradition. He has already proposed changes that we expect most residents will welcome.

Linda Larson, the Treasurer and Collector, and the office staff have produced facts and details when we needed them, and helped keep the AWD fiscal ship on an even keel.

Charlie Orcutt served as Attorney to the District for many years and recently as Moderator until his untimely death. Charlie and Mary Bassett-Stanford helped steer us through the complexities of laws and regulations.

We appreciate the skill, energy, and commitment of all of them.

Charles Bradley, Chairman  
Theodore Jarvis  
William Kingman  
Finance Committee

WATER SUPPLY DISTRICT OF ACTON

FINANCIAL STATEMENTS

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JUNE 30, 1996

WATER SUPPLY DISTRICT OF ACTON

FINANCIAL STATEMENTS

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JUNE 30, 1996

C O N T E N T S

Independent Auditor's Report

Combined Statement of Assets, Liabilities and Fund Balances  
- All Fund Types and Account Groups - Statutory Basis

Combined Statement of Revenues, Expenditures and Changes in  
Fund Balances - All Governmental Fund Types  
- Statutory Basis

Statement of Revenues, Expenditures and Changes in Fund Balance  
- Budget and Actual - General Fund - Statutory Basis

Statement of Revenues, Expenditures and Changes in Fund Balance  
- Fiduciary Fund Type - Statutory Basis

Notes to the Financial Statements

Supplemental Schedule of Capital Projects Fund Activity  
- Statutory Basis

Supplemental Schedule of W.R. Grace Fiduciary Fund Activity  
- Statutory Basis

SCHEID & MARA, P.C.  
CERTIFIED PUBLIC ACCOUNTANTS

William E. Scheid, CP  
Maureen Waters Mara, CP  
Michael J. Walsh, CP

70 Junction Square Drive  
Concord, MA 01742

TEL 508 369-9900  
FAX 508 371-2900

Independent Auditor's Report

Board of Water Commissioners  
Water Supply District of Acton  
Acton, Massachusetts

We have audited the financial statements of the Water Supply District of Acton as of and for the year ended June 30, 1996, as listed in the table of contents. These financial statements are the responsibility of the Water Supply District of Acton management. Our responsibility is to express an opinion on these financial statements based on our audit.

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

As described in Note 2, the Water Supply District of Acton prepares its financial statements on a prescribed basis of accounting that demonstrates compliance with the laws of the Commonwealth of Massachusetts which is a comprehensive basis of accounting other than generally accepted accounting principles.

In our opinion, because of the Water Supply District of Acton's policy to prepare its financial statements on the basis of accounting discussed in the preceding paragraph, the financial statements referred to in the first paragraph do not present fairly, in conformity with generally accepted accounting principles, the financial position of the Water Supply District of Acton as of June 30, 1996, or the results of its operations or the changes in its fund balances for the year then ended.

**SCHEID & MARA, PC**  
CERTIFIED PUBLIC ACCOUNTANTS

Independent Auditor's Report - continued

However, in our opinion, the financial statements referred to in the first paragraph present fairly, in all material respects, the cash and investment balances of the Water Supply District of Acton as of June 30, 1996, and the revenues it received and expenditures it paid for the year then ended, on the basis of accounting described in Note 2.

Our audit was made for the purpose of forming an opinion on the financial statements taken as a whole. The Supplemental Schedules of Capital Projects Fund Activity and W.R. Grace Fiduciary Fund Activity are presented for purposes of additional analysis and are not a required part of the financial statements of the Water Supply District of Acton. Such information has been subjected to the auditing procedures applied in the audit of the financial statements, and is fairly presented, in all material respects, in relation to the financial statements taken as a whole on the basis of accounting described in Note 2.

*Scheid & Mara, PC*  
Scheid & Mara, PC  
Concord, Massachusetts  
July 31, 1996



WATER SUPPLY DISTRICT OF ACTON  
 COMBINED STATEMENT OF ASSETS, LIABILITIES AND FUND BALANCES -  
 ALL FUND TYPES AND ACCOUNT GROUPS - STATUTORY BASIS  
 JUNE 30, 1996

	GOVERNMENTAL FUND TYPES		FIDUCIARY FUND TYPE	ACCOUNT GROUP	TOTAL
	GENERAL FUND	CAPITAL PROJECTS	W.R. GRACE FUND	GENERAL LONG TERM DEBT	(MEMO- ONLY)
<b>ASSETS</b>					
Cash	\$1,251,147		\$123,958		\$1,375,105
Investments			2,191,481		2,191,481
Accounts Receivable	44,373				44,373
Less Reserve For					
Uncollectible Receivables	(44,373)				(44,373)
Due From General Fund		\$226,523			226,523
Amount To Be Provided For					
Long Term Debt				\$1,020,000	1,020,000
<b>TOTAL ASSETS</b>	<b>\$1,251,147</b>	<b>\$226,523</b>	<b>\$2,315,439</b>	<b>\$1,020,000</b>	<b>\$4,813,109</b>
<b>LIABILITIES AND FUND BALANCES</b>					
<b>LIABILITIES</b>					
Long Term Debt				\$1,020,000	\$1,020,000
Due To Capital Projects Fund	\$226,523				226,523
<b>TOTAL LIABILITIES</b>	<b>226,523</b>	<b>0</b>	<b>0</b>	<b>1,020,000</b>	<b>1,246,523</b>
<b>FUND BALANCES</b>					
Unreserved	1,024,624				1,024,624
Reserved For Capital Projects		\$226,523			226,523
Reserved For W.R. Grace			\$2,315,439		2,315,439
<b>TOTAL FUND BALANCES</b>	<b>1,024,624</b>	<b>226,523</b>	<b>2,315,439</b>	<b>0</b>	<b>3,566,586</b>
<b>TOTAL LIABILITIES AND FUND BALANCES</b>	<b>\$1,251,147</b>	<b>\$226,523</b>	<b>\$2,315,439</b>	<b>\$1,020,000</b>	<b>\$4,813,109</b>

SEE ACCOMPANYING NOTES TO THE FINANCIAL STATEMENTS.

WATER SUPPLY DISTRICT OF ACTON  
 COMBINED STATEMENT OF REVENUES, EXPENDITURES, AND CHANGES IN FUND BALANCES -  
 ALL GOVERNMENTAL FUND TYPES - STATUTORY BASIS  
 FOR THE YEAR ENDED JUNE 30, 1996

	GENERAL FUND	CAPITAL PROJECTS	TOTAL (MEMO ONLY)
REVENUES			
Water Rates	\$1,497,502	-	\$1,497,502
Water Services	372,191	-	372,191
Interest Income	72,631	-	72,631
TOTAL REVENUES	1,942,324	0	1,942,324
EXPENDITURES			
Capital Project Expenditures		\$795,584	795,584
Salaries and Wages	493,411		493,411
Maturing Debt and Interest	346,250		346,250
Lights, Power and Fuel	108,871		108,871
Maintenance and Operations	79,990		79,990
Health and Life Insurance	79,036		79,036
Middlesex Retirement	46,726		46,726
Chemicals	37,802		37,802
Insurance	29,646		29,646
Reserve Fund	29,384		29,384
Meters	20,000		20,000
Legal	18,586		18,586
Auto and Maintenance	13,057		13,057
Audit	12,500		12,500
Office Supplies	12,000		12,000
Telephone	10,445		10,445
Engineering	10,000		10,000
Laboratory Analysis	10,000		10,000
Postage	9,927		9,927
Permanent Paving	6,000		6,000
Cross Connection	6,000		6,000
D.E.P. Withdrawal	5,247		5,247
Education Expense	3,550		3,550
Equipment Rent	3,000		3,000
Miscellaneous	351		351
Bank Fees	124		124
TOTAL EXPENDITURES	1,391,903	795,584	2,187,487
Revenues Over (Under) Expenditures	550,421	(795,584)	(245,163)
Transfers From General Fund To Capital Projects Fund	(265,700)	265,700	0
Excess of Revenues Over (Under) Expenditures and Transfers	284,721	(529,884)	(245,163)
Fund Balance - Beginning of Year	739,903	756,407	1,496,310
Fund Balance - End of Year	\$1,024,624	\$226,523	\$1,251,147

SEE ACCOMPANYING NOTES TO THE FINANCIAL STATEMENTS.

WATER SUPPLY DISTRICT OF ACTON  
STATEMENT OF REVENUES, EXPENDITURES AND CHANGES IN FUND BALANCE -  
BUDGET AND ACTUAL - GENERAL FUND - STATUTORY BASIS  
FOR THE YEAR ENDED JUNE 30, 1996

	ACTUAL	BUDGET	VARIANCE FAVORABLE (UNFAVORABLE)
REVENUES			
Water Rates	\$1,497,502	\$1,304,000	\$193,502
Water Services	372,191	155,238	216,953
Interest Income	72,631	0	72,631
TOTAL REVENUES	1,942,324	1,459,238	483,086
EXPENDITURES			
Salaries and Wages	493,411	493,500	89
Maturing Debt and Interest	346,250	346,250	0
Lights, Power and Fuel	108,871	110,000	1,129
Maintenance and Operations	79,990	80,000	10
Health and Life Insurance	79,036	98,900	19,864
Middlesex Retirement	46,726	52,688	5,962
Chemicals	37,802	40,000	2,198
Insurance	29,646	50,000	20,354
Reserve Fund	29,384	30,000	616
Meters	20,000	20,000	0
Legal	18,586	20,000	1,414
Auto and Maintenance	13,057	18,000	4,943
Audit	12,500	12,500	0
Office Supplies	12,000	12,000	0
Telephone	10,445	15,000	4,555
Engineering	10,000	10,000	0
Laboratory Analysis	10,000	10,000	0
Postage	9,927	10,000	73
Permanent Paving	6,000	6,000	0
Cross Connection	6,000	6,000	0
D.E.P. Withdrawal	5,247	6,000	753
Education Expense	3,550	5,500	1,950
Equipment Rent	3,000	3,000	0
Miscellaneous	351	1,200	849
Bank Fees	124	1,200	1,076
Water Word Notice	0	1,500	1,500
TOTAL EXPENDITURES	1,391,903	1,459,238	67,335
Revenues Over Expenditures	550,421	0	550,421
Net Transfers Between General Fund and Capital Projects Fund	(265,700)	(265,700)	0
Excess of Revenues Over (Under) Expenditures and Net Transfers	284,721	(265,700)	550,421
Fund Balance - Beginning of Year	739,903	739,903	0
Fund Balance - End of Year	\$1,024,624	\$474,203	\$550,421

SEE ACCOMPANYING NOTES TO THE FINANCIAL STATEMENTS.

WATER SUPPLY DISTRICT OF ACTON  
STATEMENT OF REVENUES, EXPENDITURES AND CHANGES  
IN FUND BALANCE - FIDUCIARY FUND TYPE - STATUTORY BASIS  
FOR THE YEAR ENDED JUNE 30, 1996

	W.R. GRACE FUND
REVENUES	
Dividend and Interest Income	\$111,985
Net Loss On Investments	<u>(24,664)</u>
TOTAL REVENUES	87,321
EXPENDITURES	
Maintenance and Operations	86,563
Air Stripper	4,046
Investment Management Fees	<u>11,627</u>
TOTAL EXPENDITURES	<u>102,236</u>
Expenditures Over Revenues	(14,915)
Fund Balance - Beginning of Year	<u>2,330,354</u>
Fund Balance - End of Year	<u><u>\$2,315,439</u></u>

SEE ACCOMPANYING NOTES TO THE FINANCIAL STATEMENTS.

WATER SUPPLY DISTRICT OF ACTON  
NOTES TO THE FINANCIAL STATEMENTS  
JUNE 30, 1996

NOTE 1 - GENERAL STATEMENT AND SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES

The Water Supply District of Acton ("the District") is a municipality incorporated in the Commonwealth of Massachusetts with the purpose of providing water and related services to the residents and businesses of Acton. The District is a separate municipality, distinct from the Town of Acton. The basic operations of the District are financed by water rate and services charges. In the Combined Statement of Revenues, Expenditures and Changes in Fund Balances, these operations are reflected in the General Fund.

Summary of Significant Accounting Policies

The accounting and reporting policies of the District relating to the funds and account groups included in the accompanying combined financial statements conform with the Commonwealth of Massachusetts' uniform reporting system. The following significant accounting policies were applied in the preparation of the accompanying financial statements:

Reporting Entity

The District's financial statements include the accounts of all District operations. Inhabitants of the Town of Acton who are qualified to vote in elections and town affairs are eligible to vote on matters concerning the District and to act on its articles.

Basis of Presentation: Fund Accounting

The accounts of the Water Supply District of Acton are organized on the basis of funds and account groups, each of which is a separate entity with its own self-balancing accounts that comprise its assets, liabilities, fund balances, revenues, and expenditures. Resources are accounted for in individual funds based upon the purposes for which they are to be spent and the restrictions, if any, on the spending activities. The District uses the following generic fund types to record its activities:

Governmental Fund Types

General Fund - accounts for all financial resources of the District that are not required to be accounted for in another fund.

Capital Projects - accounts for all resources used for the acquisition or construction of capital projects, facilities, or studies.

Fiduciary Fund Type

W.R. Grace Fund - accounts for activity of the W.R. Grace Settlement and is restricted to cover expenditures for treatment and maintenance of the water system.

Account Group

General Long-Term Debt Account Group - accounts for all long-term obligations of the District, which consist of bonds payable for capital projects.

WATER SUPPLY DISTRICT OF ACTON  
NOTES TO THE FINANCIAL STATEMENTS  
JUNE 30, 1996

NOTE 1 - GENERAL STATEMENT AND SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES (continued)

Basis of Accounting

The accounts of all funds and general long-term debt group of accounts are maintained and presented in accordance with the Commonwealth of Massachusetts' uniform reporting system. Under this method, revenues are recorded when received and expenditures are recorded when they are paid. Accounts receivable are fully reserved until they are collected and recorded as income.

Property, plant and equipment are not recorded on the Combined Statement of Assets, Liabilities and Fund Balances of the District. Funds used to acquire property, plant and equipment are accounted for as expenditures in the Capital Projects Fund in the fiscal year payment is made.

Appropriation balances of capital projects are carried forward in the Capital Projects Fund until completion of the project or until unexpended balances are transferred to the General Fund by approval of the Annual Meeting.

Budgets and Budgetary Accounting

The District's annual budget is a legally adopted budget which is approved at the District's Annual Meeting. Appropriations for the Capital Projects Fund and the W.R. Grace Fiduciary Fund are also approved at the Annual Meeting. Any budget overrides must be approved at a specially called District Meeting.

Total Columns on Combined Statements

Total columns on the Combined Statements are captioned "Memorandum Only" to indicate that they are presented only to facilitate financial analysis. Data in these columns do not present financial position, results of operations, or changes in financial position in conformity with generally accepted accounting principles. Neither is such data comparable to a consolidation.

WATER SUPPLY DISTRICT OF ACTON  
NOTES TO THE FINANCIAL STATEMENTS  
JUNE 30, 1996

NOTE 2 - DEPARTURES FROM GENERALLY ACCEPTED ACCOUNTING PRINCIPLES

As indicated in Note 1, the District prepares its financial statements using the Commonwealth of Massachusetts' uniform reporting system which is a comprehensive basis of accounting other than generally accepted accounting principles.

The District uses the Commonwealth of Massachusetts' uniform reporting system whereby revenues are recorded when received and expenditures are recorded when they are paid. Under generally accepted accounting principles, the District's General Fund would be accounted for on the accrual method of accounting whereby revenues are recognized in the accounting period in which they are earned and become measurable and expenses are recognized in the accounting period incurred.

The District also uses the Commonwealth of Massachusetts' uniform reporting system whereby the costs of property, plant and equipment are reported as expenditures from the Capital Projects Fund. Under generally accepted accounting principles, the property, plant and equipment would be capitalized on the balance sheet and depreciated over the useful lives of the various assets.

NOTE 3 - INVESTMENTS

The W.R. Grace Fund includes investments which are managed by the firm Boston Security Counsellors, Inc. The investment are carried at their lower of cost or market. At June 30, 1996, the investments had a cost basis of \$2,191,481 and a market value of \$2,354,767.

NOTE 4 - INTERFUND RECEIVABLE AND PAYABLE

At June 30, 1996, \$226,523 was due to the Capital Projects Fund from the General Fund.

WATER SUPPLY DISTRICT OF ACTON  
NOTES TO THE FINANCIAL STATEMENTS  
JUNE 30, 1996

NOTE 5 - GENERAL LONG-TERM DEBT

General Long-Term Debt consists of the following obligations at June 30, 1996:

Description	Original Amount	Interest Rate	Date of Issue	Date of Maturity	Balance 6/30/96
Water Mains	\$595,000	7.50%	06/01/85	06/01/97	\$45,000
Water Main	625,000	6.39%	08/15/86	02/15/98	100,000
Walsh Rsrvr	<u>2,100,000</u>	6.70%	06/01/89	06/01/01	<u>875,000</u>
Total	<u>\$3,320,000</u>				<u>\$1,020,000</u>

During the year ended June 30, 1996, \$275,000 of principal, \$87,250 of interest and \$1,033 of fees were paid on the bonds, for a total of \$363,283. Of this total, \$346,250 is reported as "Maturing Debt & Interest" and \$17,033 is included in the "Reserve Fund" in the Combined Statement of Revenues, Expenditures and Changes in Fund Balances - All Governmental Fund Types.

The annual requirements to amortize all debt outstanding as of June 30, 1996 are as follows:

Fiscal Year  
Ending June 30,

1997	\$270,000
1998	225,000
1999	175,000
2000	175,000
2001	<u>175,000</u>
Total	<u>\$1,020,000</u>



WATER SUPPLY DISTRICT OF ACTON  
NOTES TO THE FINANCIAL STATEMENTS  
JUNE 30, 1996

NOTE 6 - RETIREMENT PLAN

Substantially all employees of the District are members of the Middlesex County Retirement Fund. The retirement system is funded by both employer and employee contributions. The District's annual contributions to the retirement system are determined on a "pay-as-you-go" basis by the State Division of Insurance and are estimates of pensions actually payable during an accounting period. In addition, employees contribute 5%, 7% or 8% of their base pay depending on when they entered the system. The District's contributions for the year ended June 30, 1996, were \$46,726.

NOTE 7 - COMMITMENTS

The District has entered into certain contracts for the upgrading of water services to existing homes, for improvements to existing water lines, and for other capital projects.

CONCLUDED.

WATER SUPPLY DISTRICT OF ACTON  
SUPPLEMENTAL SCHEDULE OF CAPITAL PROJECTS FUND ACTIVITY - STATUTORY BASIS  
FOR THE YEAR ENDED JUNE 30, 1996

	BEGINNING BALANCE 6/30/95	TRANSFERS FROM GENERAL FUND	PAYMENTS MADE	ENDING BALANCE 6/30/96
Burster Machine	\$11,000	-	\$7,003	\$3,997
Car 96	0	\$13,500	13,500	0
Check Encoder/Endorser 96	0	4,200	4,020	180
Clapp/Whitcomb Color	1,385	-	432	953
Clean Wells 94	4,716	-	2,692	2,024
Clean Wells 96	0	15,000	11,493	3,507
Computer Electrical Equipment	313	-	313	0
Computer Programs 94	3,000	-	2,703	297
Conant Station Repairs 96	0	12,000	9,960	2,040
Conservation Plans Schools/Muni 96	0	5,000	-	5,000
Copy Machine 96	0	9,500	9,170	330
Cross Connection	16,358	-	16,358	0
Electronic Equipment 95	8,983	-	5,655	3,328
Ethan Allen Cement Repairs	2,000	-	504	1,496
Generator Kennedy 94	5,035	-	959	4,076
Hot Top Driveway Parking Lot 96	0	17,500	13,974	3,526
Large Meters 95	17,062	-	10,186	6,876
Leak Detection 94	3,000	-	-	3,000
Legal / Survey Nagog 94	6,517	-	2,532	3,985
Manager Replacement Consultant	0	5,000	5,000	0
Manager Severance Package	31,200	-	31,200	0
Master Plan 94	5,200	-	5,200	0
Meter Reading Equipment 95	25,000	-	9,098	15,902
Northwest Structures	18,702	-	18,702	0
Office Building 10/94	75,000	-	69,224	5,776
Office Building 93	238,079	-	230,249	7,830
Phone/Furniture 94	24,387	-	24,387	0
Power Lawsbrook Soribner	14,000	-	4,927	9,073
Protection Plan 94	10,000	-	960	9,040
Remodel Conference Room 96	0	5,000	4,199	801
Replace Services/Hydrants 96	0	50,000	49,590	410
Replace Meters 96	0	50,000	9,797	40,203
Salary and Wages Overtime	6,699	-	6,699	0
Septage Lagoons Monitoring	1,347	-	-	1,347
Storage Building Repairs 96	0	17,500	1,646	15,854
Telemetry 93	3,500	-	-	3,500
Trenching Box	12,500	-	3,815	8,685
Update Services 10/94	12,829	-	12,829	0
Update Services 95	45,000	-	45,000	0
Van 96	0	15,000	15,000	0
Water Main - Charter Road	31,536	-	19,910	11,626
Water Main - Great Road	92,043	-	92,043	0
Water Main - Robbins Street	23,751	-	22,215	1,536
Water Main/Bridge So Acton 96	0	26,500	-	26,500
Water Supply Plan 96	0	20,000	-	20,000
Whitcomb Power Update	972	-	969	3
Whitcomb Well Study	5,293	-	1,471	3,822
	<u>\$756,407</u>	<u>\$265,700</u>	<u>\$795,584</u>	<u>\$226,523</u>

WATER SUPPLY DISTRICT OF ACTON  
SUPPLEMENTAL SCHEDULE OF W.R. GRACE FIDUCIARY FUND ACTIVITY - STATUTORY BASIS  
FOR THE YEAR ENDED JUNE 30, 1996

	BEGINNING BALANCE 6/30/95	APPROPRIA- TIONS PER ANNUAL MEETING	EXPENDI- TURES OVER (UNDER) REVENUES	ENDING BALANCE 6/30/96
Maintenance and Operations	\$61,811	\$60,000	(\$86,563)	\$35,248
Air Stripper	15,903		(4,046)	11,857
Unappropriated	2,252,640	(60,000)	75,694	2,268,334
	<u>\$2,330,354</u>	<u>\$0</u>	<u>(\$14,915)</u>	<u>\$2,315,439</u>

The following pages (33-41) are abstracts of Water District Meetings:

- 1) Annual Meeting, March 20, 1996
- 2) Special District Meeting, April 23, 1996
- 3) Special District Meeting October 23, 1996

WATER MEETING

Abstract of the proceeding of the Annual Meeting of the Water Supply District of Acton, held in the Acton-Boxborough Junior High School Auditorium, Charter Road at Massachusetts Ave., West Acton

WEDNESDAY, MARCH 20, 1996 at 7:30 PM

ARTICLE 1. VOTED: To fix the salaries of the elected officers as follows:

Chairman of the Commissioners	\$1,200.00 per year
Two (2) Commissioners	\$1,000.00 per year
Moderator	\$ 50.00 per year
Clerk	\$ 600.00 per year

(Unanimous)

ARTICLE 2. VOTED: To accept the reports of the Commissioners, the Treasurer and other officers and committees of the District.

(Unanimous)

ARTICLE 3. VOTED: That the District authorize the Treasurer, with the approval of the Commissioners, to borrow in anticipation of the revenue for the fiscal year beginning July 1, 1996 in accordance with the provisions of General Laws, Chapter 44, Section 4, and to renew any note or notes as may be given for a period of less than one year, in accordance with the provisions of General Laws, Chapter 44, Section 17.

(Unanimous)

ARTICLE 4.

VOTED: To appropriate from estimated receipts of the District the sum of \$1,459,238.00 for the maintenance and operation of the District, and specific appropriations as follows:

APPROPRIATIONS AND EXPENDITURES FOR 1996 - 1997

Audit	13,000.00
Auto Maintenance & Fuel	18,000.00
Backflow/Cross Connection	4,000.00
Bank Fees	1,000.00
Bonds, Interest, Fees	340,075.00
Chemicals	40,000.00
D.E.P. Withdrawal	6,000.00
Education	5,500.00
Engineering	10,000.00
Equipment Rental	3,000.00
Health & Life Insurance	107,900.00
Insurance	45,000.00
Laboratory Analysis	10,000.00
Legal & Accounting	20,000.00
Lights, Power & Fuel	110,000.00
Maintenance & Operations	85,000.00
Middlesex County Retirement	50,526.00
Meters	15,000.00
Office Supplies	10,000.00
Permanent Paving	8,000.00
Petty Cash/Miscellaneous	1,000.00
Postage	10,000.00
Salaries & Wages	525,000.00
Telephone	18,000.00
Water Works Notice	1,800.00
Reserve Fund	<u>30,000.00</u>
TOTAL	1,487,801.00

BUDGETED RECEIPTS FOR FISCAL 1996

Water Rates	1,324,776.00
Sprinklers	14,625.00
Rent/Lease	34,400.00
Cross Connection	4,000.00
Installations,	110,000.00
Demand Fees & Repairs	<u>1,487,801.00</u>

(Unanimous)

ARTICLE 5.

VOTED: That the District authorize the Commissioners to transfer from Receipt Reserve for Appropriation Account (W.R. Grace Settlement) the sum of \$60,000.00 for the maintenance and operation, carbon replacement and power costs at the various treatment plants operated by the District.  
(Unanimous)

ARTICLE 6.

VOTED: That the District authorize the Commissioners to enter into a written agreement for five (5) years in the amount of \$5,000.00 per year for three (3) years, and \$5,500.00 per year for the last two (2) years, with Dyno New England, Inc. (Explosive Supply Company, Inc.) A Massachusetts corporation having a usual place of business in Acton, MA, for the purpose of continued use of three (3) magazines for the storage of explosives on land owned by the District off Powder Mill Road, and New High Street in Acton.

(Unanimous)

ARTICLE 7:

VOTED: That the District authorize the Commissioners transfer from Surplus Revenue the sum of \$50,000.00 to start replacing current water meters in dwellings in Acton.

(Unanimous)

ARTICLE 8:

VOTED: That the District authorize the Commissioners transfer from Surplus Revenue the sum of \$50,000.00 for the purpose of renewing numerous outdated water services from existing water mains to the property line; and to change several old outdated fire hydrants.

(Unanimous)

ARTICLE 9:

VOTED: That the District authorize the Commissioners transfer from Surplus Revenue the sum of \$5,000.00 to install new carpet, drapes, and replace chairs in the present conference room in the Harlan Tuttle Building, located at 693 Massachusetts Avenue in Acton.

(Unanimous)

ARTICLE 10: VOTED: That the District authorize the Commissioners transfer from Surplus Revenue the sum of \$17,500.00 to hot-top existing driveway and parking lot at the District's headquarters located at 693 Massachusetts Avenue in Acton.

(Unanimous)

ARTICLE 11: VOTED: That the District authorize the Commissioners transfer from Surplus Revenue the sum of \$12,000.00 to replace the roof and some cement blocks on the Conant Pumping Station building, located off Main Street (Route 27) in Acton.

(Unanimous)

ARTICLE 12: VOTED: That the District authorize the Commissioners transfer from Surplus Revenue the sum of \$4,200.00 to purchase a check encoder/endorser machine.

(Unanimous)

ARTICLE 13: VOTED: That the District authorize the Commissioners transfer from Surplus Revenue the sum of \$15,000.00 to purchase a new van and to trade-in a 1987 Chevrolet van.

(Unanimous)

ARTICLE 14: VOTED: That the District authorize the Commissioners transfer from Surplus Revenue the sum of \$13,500.00 to purchase a new 4-door sedan vehicle.

(Unanimous)



ARTICLE 15.

VOTED: That the District authorize the Commissioners transfer from Surplus Revenue the sum \$15,000.00 to chemically treat and clean wells to attain maximum pumping capacity.

(Unanimous)

ARTICLE 16.

VOTED: That the District authorize the Commissioners transfer from Surplus Revenue the sum of \$26,500.00 to assist the Massachusetts Highway Department of the Commonwealth of Massachusetts, to help pay for the cost of installing a new water main in the new proposed bridge in South Acton, and for connecting the new mains into our existing mains in the system.

(Unanimous)

ARTICLE 17.

VOTED: That the District authorize the Commissioners transfer from Surplus Revenue the sum of \$9,500.00 to purchase a new copy machine for the District.

(Unanimous)

ARTICLE 18.

VOTED: That the District authorize the transfer from Surplus Revenue the sum \$17,500.00 to repair the roof, doors, windows on the equipment storage building, and also paint the storage building and old office buildings located at 693 Massachusetts Avenue, Acton, MA.

(Unanimous)

ARTICLE 19.

VOTED: That the District authorize the Commissioners transfer from Surplus Revenue the sum \$20,000.00 to have the District develop and implement a water a water supply plan, to comply with the Department of Environmental Protection, Commonwealth of Massachusetts Laws, Regulations and Policies.

(Unanimous)

ARTICLE 20.

VOTED: That the District authorize the Commissioners transfer from Surplus Revenue the sum of \$5,000.00 to evaluate the water usage the schools and municipal buildings in the Town of Acton, and to allow the District to plan Conservation measures in these public buildings.

(Unanimous)

ARTICLE 21.

VOTED: That the District authorize the Commissioners to enter into a written lease or license on such terms and conditions as the Commissioners shall determine, not to exceed six (6) years with Assabet Communications Corporation, for use of a certain area of land located within four hundred feet (400 ft) radius of Assabet well at #3, located off Knox Trail in South Acton; said area to be used in connection with a radio antenna system for a community radio station licensed by the Federal Communications Commission, owned and operated by the Assabet Communications Corporation, of Damon Mill Square, Concord, MA 01742; and to authorize the Commissioners of the District to collect an annual fee, payable in advance, of \$600.00 in 1996; \$720.00 in 1997, \$840.00 in 1998; \$960.00 in 1999; \$1080.00 in 2000; and \$1200.00 in 2001.

(Unanimous)

ARTICLE 22.

VOTED: That the District authorize the Commissioners transfer from Surplus Revenue the sum of \$5,000.00 to hire a consultant to work with the Commissioners in searching for a new manager for the Water Supply District of Acton.

(Unanimous)

WATER MEETING

ABSTRACT OF THE PROCEEDING OF THE SPECIAL MEETING OF THE WATER SUPPLY DISTRICT OF ACTON, HELD AT THE WHITCOMB STATION OF THE WATER SUPPLY DISTRICT OF ACTON IN THE HARLAN TUTTLE CONFERENCE ROOM, MASSACHUSETTS AVENUE, ACTON, MASSACHUSETTS ON TUESDAY, APRIL 23, 1996.

The meeting was called to order by the Moderator, Richard P. O'Brien at 7:30 PM. The voters moved and voted unanimously to adjourn the meeting to 7:15 PM on April 29, 1996 at the same location.

The Special Meeting of the Water Supply District of Acton was called to order by the Moderator, Richard P. O'Brien at 7:15 PM on April 29, 1996. The voters acted on the following article:

ARTICLE I: VOTED to see if the District will vote to accept the provision of an amendment to Chapter 32 Section (h) (1), authorizing certain public employees creditable service for active service in the armed forces, or to take any other action relative thereto.

(UNANIMOUS)

A TRUE COPY, ATTEST:

JANE A. CUTLER, CLERK

*Jane A. Cutler*

# WATER MEETING

ABSTRACT OF THE PROCEEDING OF THE SPECIAL MEETING OF THE WATER SUPPLY DISTRICT OF ACTON, HELD AT THE WHITCOMB STATION OF THE WATER SUPPLY DISTRICT OF ACTON IN THE OFFICE BUILDING, MASSACHUSETTS AVENUE, ACTON, MASSACHUSETTS ON WEDNESDAY, OCTOBER 23, 1996.

THE MEETING WAS CALLED TO ORDER BY THE MODERATOR, RICHARD P. O'BRIEN AT 7:30 PM . THE VOTERS ACTED ON THE FOLLOWING ARTICLES:

ARTICLE I: VOTED that the District authorize the Commissioners to transfer from Receipt Reserve for the Appropriation Account (W.R. Grace 1987 Settlement) the sum of \$51,368.80 for the maintenance and operation account and to replace the Tri-Pack polypropylene at the Assabet Treatment Plant.

(UNANIMOUS)

ARTICLE II: VOTED that the District authorize the Commissioners to transfer from Surplus Revenue Account the sum of \$8,000.00 for the internal inspection of all District's above ground water tanks.

(UNANIMOUS)

ARTICLE III: VOTED that the District authorize the Commissioners to transfer to Surplus Revenue Account the following unexpended balances remaining after the completion of projects authorized by vote of the District.

- A. Unexpended balance in the sum of \$1,536.23 for project completed under Article #14 of Annual Meeting of March 15, 1995 which approved to replace existing water main with an 8" water main on Robbins Street.
- B. Unexpended balance in the sum of \$11,626.90 for project completed under Article #15 of Annual Meeting of March 15, 1995 which approved to replace the existing water main with an 8" water main on Charter Road.

(UNANIMOUS)

ARTICLE IV: VOTED that the District authorize the commissioners to transfer from Surplus Revenue Account the sum of \$22,000.00 to draw up plans and specifications for the installation of approximately 3,600 feet of 12" to 16" water main on Great Road.

(UNANIMOUS)

ARTICLE V: VOTED that the District authorize the Commissioners transfer from Surplus Revenue Account the sum of \$15,000 for a pilot study, prepare plans and specifications for the installation of a water treatment facility at the Clapp and Whitcomb Wells.

(UNANIMOUS)

ARTICLE VI: VOTED that the District authorize the Commissioners to transfer from Surplus Revenue Account the sum of \$20,000.00 to do a study for the District's future computer needs, upgrade the current computer systems for expanded District's operational use.

(UNANIMOUS)

ARTICLE VII: VOTED that the District authorize the Commissioners to transfer from Surplus Revenue Account the sum of \$18,570.00 for exterior landscaping, grading, seeding and needed maintenance to existing large trees at the District offices and make final payment for professional fees after the completion of the new District office.

(UNANIMOUS)

A TRUE COPY, ATTEST:

  
JANE A. CUTLER, CLERK

### WATER MEETING

Abstract of the proceedings of the annual elections of officers of the Water Supply District of Acton, held on

**TUESDAY, MARCH 26, 1996**

held at the five (5) Precincts of the Town of Acton. (The polls were open from 7AM to 8PM)

Total number of ballots cast:	2262
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The following were elected:

Commissioner for 3 years: Stephen C. Stuntz	1727
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Moderator for 1 year: Richard O'Brien	188
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Clerk for 1 year: Jane A. Cutler	1766
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A TRUE COPY

ATTEST:

Jane A. Cutler  
*District Clerk*

WATER SUPPLY DISTRICT OF ACTON  
RULES, REGULATIONS AND RATES  
Amended December 17, 1995

The following Rules and Regulations shall be considered a part of the Contract with every person using the water.

- A. All applications for the use of water are available at the Whitcomb Pumping Station, 693 Massachusetts Avenue. Demand charge schedule is set forth as follows:

<u>PIPE SIZE</u>	<u>DEMAND CHARGE</u>
1 inch	2520.00
1 1/2 inch	7440.00
2 inch	5840.00
Over 2 inch	20000.00
Multi-dwelling (per apt. or each living unit)	1200.00

SPRINKLER DEMAND CHARGES

Buildings up to 20,000 square feet	500.00
Buildings between 20,000 square feet and 40,000 square feet	1000.00
Buildings between 40,000 square feet and 60,000 square feet	1500.00
Buildings between 60,000 square feet and 80,000 square feet	2000.00
Buildings over 80,000 square feet	2500.00

1. The demand charges are payable prior to service connection. Pipe size and type of any installation will be determined by the Water Commissioners or their agents. Costs of installation service will be charged to applicant separate of the demand charge. Costs will be paid before the water is turned on.
2. Costs of new service installations from the water main into the house, including meter, will be paid for by the owner or applicant before water will be turned on.
3. No person will connect, or cause to be connected, any service pipe with the main or any distributing pipes, except by order of the Water Commissioners made on such application for new service. No permanent outside sprinkler system shall be allowed unless approved by the Board of Health.
4. Periodic inspection of pipes to the meter may be made by the District Manager or Foreman. When equipment is found defective all payment for the necessary repairs between the property line and the meter will be assessed to the owner. Persons allowing their meter to be damaged by frost or otherwise will be held responsible therefore. The District will keep meters in repair from ordinary derangements.

5. All apparatus and all places supplied with water must be accessible at all reasonable times to the inspection of the Commissioners or their agents.
6. No alterations will be made to the service installed by the Water District except by authorized agents of the Water District.
7. The Water District will not in any way, nor under any circumstances, be held liable or responsible to any person or persons for any loss or damage from any excess or deficiency in the pressure, volume or supply of water, due to any cause whatsoever. The Water District will undertake to use all reasonable care and diligence to avoid interruptions and fluctuations in the service, but cannot and does not guarantee that such will not occur.
8. The Water District will not be responsible for damages caused by dirty water resulting from the opening or closing of any gates for repairs or any other reasons, the use of hydrants, or the breaking of any supply lines.
9. The Water District will endeavor to give due notice to as many of the consumers affected as time and character of the work permit whenever it may be necessary to shut off the supply from any section of the District to make repairs or changes or because of broken main, and will as far as practicable, use every effort to prevent damage or inconvenience; but failure to give such notice will not involve the Water District in any responsibility or liability for damage arising from the shutting off of any supply or any subsequent conditions arising therefrom.
10. The Water District reserves the right at any time without notice to shut off the water supply for purpose of making repairs, extensions, or other reasons, and all consumers having boilers or other appliances on their premises are hereby warned against danger of collapse from these sources and are urged to provide safety devices for their own protection. In any event the District expressly stipulates that there shall be no liability for damages resulting therefrom.
11. The Water District will not assume any liability for conditions in the consumer's plumbing or appliances, which may be the cause of trouble, coincident with the following repairs made to any part for the supply system by the District.
12. Service pipes or fixtures of any description, that are connected with the mains of the Water District, will not under any circumstances be connected with any other sources of water supply.
13. The Water Commissioners reserve the right to shut off water for the purpose of making alterations or repairs. A water service may be shut off from any taker for non-compliance with the Rules and Regulations for non-payment of the water rates and violation of Massachusetts General Laws relating to water supply. When water has been shut off because of disregard of rules or non-payment of rates it will be turned on again when the Commissioners are satisfied that there will be no further cause of complaint and on the payment of fifteen dollars. With the approval of the Department of Environmental Quality Engineering (Chapter 40, Section 41A of the MA General Laws), the Commissioners reserve the right to restrict the use of water if necessary in any manner deemed appropriate.



14. The fire department will have control of the hydrants in case of fires and for necessary practice. In no other case will any persons be allowed to handle hydrants or other waste apparatus without permission of the Water Commissioners.

15. No water taker will be allowed to supply water to others, except by special permit from the Board of Water Commissioners and found doing so without a permit, the supply will be shut off.

16. Owners should notify the Water District to shut off water if the building becomes vacant. Water will be turned on again when the owner notifies the Water District, and upon the payment of eighteen dollars for turn-on.

17. Water bills and repairs of existing services, must be paid in full within 30 days of the billing date. All bills for new installations, including supplies and labor must be paid in full prior to the water service turn-on.

18. The water may be turned off without notice when bills for water remain unpaid for fifteen days after they become due, thirty days from the date of issue. Owners of premises will be held responsible for the water bills of their tenants. Unpaid water bills are now lien on real estate, and collections may be made on the sale of property: Massachusetts Legislature, Acts of 1923, Chapter 391.

19. Any person who shall remove, change, alter or willfully damage or injure any meter will be liable for all damages. Any change in meter location will be done under the direction of the District Manager or Foreman.

20. On all dwelling houses, apartments and condominiums, a minimum charge will be made for water for each family or living unit for which the owner or owners will be liable, if it is desired that all water flow through one meter. Larger quantities of water will be charged on the above same basis.

On all business and/or professional buildings, for non-dwelling use, there will be a charge for each toilet and/or laboratory facility, for which the owner will be liable.

The District Manager or authorized agent will be empowered by the Commissioners to confer with the owner or his agent to establish the number of facilities for which the minimum service charge will be made. The minimum payment will be applied toward charge for water at the rates established under the rules and regulations for the Water Board, but if less quantity of water is used than the quantity for which the minimum charge would pay, no deduction from the minimum charge will be made.

21. Voted: That the District amend the By-Laws by adding a new section ten which reads as follows: "Any person violating any order restricting water use imposed by vote of the Commissioners will be fined not more than \$200.00 for each offense, which will inure to the District for such uses as the Commissioners may direct. Fines will be recovered by indictment or on a complaint before the District Court, or by non-criminal disposition in accordance with section twenty-one D of Chapter 10 of the General Laws. Every day that such violation continues constitutes a separate offense".

22. Effective January 1, 1996 water users will be billed as follows: The minimum price at which water is furnished, including the use of water meter, is \$18.00 for each three (3)

month period. The minimum charge allows the use of 1000 cubic feet of water for each six (6) month period, with no refund or abatement for amounts of water less than 1000 cubic feet used.

In the month of January and July, a minimum charge of \$18.00 will be billed to each water service unit. In October and April there will be a minimum charge of \$18.00 plus the excess over 1000 cubic feet of water for a six month period which will be billed at \$2.00 per 100 cubic feet of water used.

A minimum charge applies to each water service unit.

New owners having had possession of property less than thirty (30) days, and having used less than 1000 cubic feet will be billed at the current minimum charge for the billing quarter following the purchase.

There is a minimum charge of \$5.00 for closing costs on property transfers where there has been no water use from the date of the last actual water bill.

Water rates, demand charges, rental fees, hydrants and sprinklers and other charges imposed by the District will be determined by vote of the Commissioners at a regular or special meeting of the Commissioners.

23. If a meter is out of order and fails to register, the consumer will be charged at the average daily consumption as shown by the meter when in order. An average will be taken of the last three (3) corresponding readings.

24. Any and all penalties for violations of these regulations or arrearages for non-payment of water rates or charges may be collected as authorized by law in a civil action.

25. The Commissioners will regulate the use of water in such manner as they deem for the best interest of the District, fix and collect prices and rates for the use thereof, prescribe the time and manner of the payment of such prices and rates. The Commissioners will have exclusive charge and control of the water department and water system, subject to all lawful by-laws, and subject to such instructions as the District may from time to time impose by its vote.

26. The Water District will have any inspector on sites where new water main and necessary fittings are installed in new developments, private roads, business and commercial sites. The Water District will charge an hourly fee which will be paid to the Water District by the owner, contractor or developer. All materials used will meet the specifications of the Water Supply District of Acton.

27. No person will turn on or tamper with water main or hydrant or other device used for water supply, or install a bypass around a water meter without first procuring a written permit to do so from the Manager of the Water District. Any person violating said section will be fined not more than \$200.00 for each offense, which will inure to the District for recovered by indictment or on complaint before the District Court or by non-criminal disposition in accordance with Section 21D of Chapter 40 of the General Laws. Every day

that such violation continues will constitute a separate offense. This section will not curtail the fire department or Water District in the normal course of providing fire protection or water supply.

28. Any person making application for water use having a design demand in excess of 5,000 gallons per day, will submit a concept plan with sufficient information so that the Water District can generate a Water Impact Report. This report will: 1) define the plans impact on the District's current/future water demand and existing water supply system, and 2) stipulate conditions that the applicant will meet to mitigate the effects of this impact. The Water Impact Report will be reviewed and approved by the Water Commissioners. Costs associated with generating the Water Impact Report will be borne by the applicant.

29. All new Industrial and Commercial Establishments attached to the Acton Water System will be required to install, at the service entrance and immediately downstream of the meter, a Reduced Pressure (RP) Back Flow Device. The Device must be approved by the Acton Water District, and all costs will be paid by the owner/s, and or the person/s to whom the bills are so assigned.

30. Effective June 30, 1988, the Board of Water Commissioners voted to place a moratorium on, not allowing any underground lawn sprinkler systems to be tapped off public water mains or service.

31. Underground Lawn Sprinkler Regulations Effective November 13, 1989

- i For systems installed between September 11, 1979 and June 3, 1988:
  - 1. If systems must have rain gauges installed to prevent use when raining.
  - 2. If system is on automatic timers, it must be equipped to accommodate odd and even water restrictions.
  - 3. All present systems install backflow valves, watts #800 or equal.
  - 4. All backflow valves must be inspected by the Water District once a year to insure they are working properly. All costs will be the owner's responsibility.
  - 5. The property owner must have approval from the Board of Health and a plan submitted to them showing the system location and approval from the local plumbing inspector, and must also follow State Laws.
  - 6. Any lawn sprinkler system not meeting the above criteria will be disconnected from the public water supply system.
- ii. Systems installed prior to 1979, that become defective, must be repaired to meet current standards.

32. Any new water service or fire line from the water main to a dwelling, building or structure will be in a separate, underground trench. No other utility (i.e., gas, electric, telephone, cable TV) will be in the same trench unless the District Manager determines that the ground conditions prevent a separate trench. In such cases, a suitable plan prepared by a registered professional engineer will be submitted to the District Manager and DigSafe for approval to insure safety and accessibility for repair, replacement or inspection of the lines located in the same trench.

33. Insufficient fund checks will be charged as provided by Section 44 of Chapter 69, Massachusetts General Laws, and the "Rules and Regulations" of the District as adopted December 12, 1994.

By Order of The Acton Water Commissioners  
Stephen C. Stuntz, Chairman  
Leonard A. Phillips  
Ronald R. Parenti

#### WATER FILTERS

The Acton Water District has adopted a guideline concerning the public use of filter devices on the water supply system. This is based on a general policy promulgated by the D.E.Q.E. (DWS Policy 88-07), advising water purveyors to prohibit the use of such devices on the drinking water supply. Although properly designed barrier filters have proven effective on screening contaminants out of influent streams, concern exists regarding an efficiently implemented maintenance program to assure successful and continued operation. A clogged or abused water filter could foster potential conditions for bacteria to thrive, thus contributing to in-line contamination of the drinking water supply.

#### WATER FILTER GUIDELINES

The Water Supply District of Acton prohibits the installation by public water consumers of any device in the domestic water supply, including, but not limited to Point of Entry or Point of Use filters that are utilized within the confines of the consumer's premises. Regulatory Agencies, including the Department of Environmental Quality Engineering and the Department of Health are not recommending these systems for utilization in the drinking water supply system. Such devices are considered potentially deleterious to Public Health, because they promote the proliferation of bacterial and viral growth and development.

REGULATIONS  
FOR THE  
CONTROL OF BACKFLOW AND CROSS-CONNECTIONS  
WATER SUPPLY DISTRICT OF ACTON  
JUNE 11, 1990

SECTION 1, CROSS-CONNECTION CONTROL AUTHORITY

As provided in the Federal Safe Drinking Water Act of 1974 (Public Law 93-523); and under the provisions of Massachusetts General Laws, Chapter 41, Section 69B; Massachusetts Drinking Water, Regulations, 310 C.M.R., Section 22.22; and Section 13, of the By-Laws of the Water Supply District of Acton, the water purveyor, has the primary control and responsibility for preventing water from unapproved sources, or any substances, from entering the public potable water system. The said Water Supply District of Acton upon written request to the Department of Environmental Protection, is acting as the Department's designee as provided in 310 C.M.R., Section 22.22.

SECTION 2, CROSS-CONNECTION CONTROL - GENERAL POLICY

2.1 Purpose The purpose of this regulation is:

2.1.1 To protect the public potable water supply of the area served by the Water Supply District of Acton (hereinafter referred to as Water Supply District) from the possibility of contamination or pollution by isolating within its customer's internal distribution system(s) or its customer's private water system(s) such contaminants or pollutants which could backflow or backsiphon into the public water supply system; and

2.1.2 To promote the elimination or control of existing cross-connections, actual or potential, between its customer's in-plant potable water system(s) and nonpotable systems, plumbing fixtures and industrial piping systems; and

2.1.3 To provide for the maintenance of a continuing program of cross-connection control which will systematically and effectively prevent the contamination or pollution of all potable water systems by cross-connection.

2.2 Responsibility The Manager of the Water Supply District of Acton (hereinafter referred to as District Manager) will be responsible for the protection of the public potable water distribution system from contamination or pollution due to the backflow or backsiphonage of contaminants or pollutants through the water service connection. If, in the judgment of said District Manager an approved backflow prevention device is required, at the District's water service connection to any customer's premises, for the safety of the water system, the District Manager or his designated agent will give notice in writing to said customer to install such an approved backflow prevention device at each service connection to his premises. The customer will, within 30 days, install such approved device or devices at his own expense, and failure, refusal or inability on the part of the customer to

install said device or devices within 30 days constitutes grounds for discontinuing water service to the premises until such device or devices have been properly installed.

### SECTION 3. DEFINITIONS

3.1 District Manager The District Manager, or his designated agent, in charge of Water District is invested with the authority and responsibility for the implementation of an effective cross-connection control program and for the enforcement of the provisions of this ordinance.

3.2 Approved Accepted by the District Manager as meeting an applicable specification stated or cited in this regulation, or as suitable for the proposed use.

3.3 Auxiliary Water Supply Any water supply on or available to the premises other than the purveyor's approved public potable water supply.

3.4 Backflow The flow of water or other liquids, mixtures, or substances under pressure into the distributing pipes of a potable water supply system from any source or sources other than its intended source.

3.5 Back-siphonage The flow of water or other liquids, mixtures, or substances into the distribution pipes of a potable water supply system from any source other than its intended source caused by the sudden reduction of pressure in the potable water supply system.

3.6 Backflow Preventer A device or means designed to prevent backflow or siphonage.

3.6.1 Air-Gap The unobstructed vertical distance through the free atmosphere between the lowest opening from any pipe or faucet supplying water to a tank, plumbing fixture, or other device and the flood rim of said vessel. An approved air-gap shall be as required by Water District standards.

3.6.2 Reduced Pressure Principle Device An assembly of two independently operating approved check valves with an automatically operating differential relief valve between the two check valves, tightly closing shut-off valves on either side of the check valves, plus properly located test cocks for the testing of the check and relief valves.

3.6.3 Double Check Valve Assembly An assembly of two independently operating approved check valves with tightly closing shut-off valves on each side of the check valves, plus properly located test cocks for the testing of each check valve.

3.6.4 Pressure Vacuum Breaker A device containing one or two independently loaded check valves and an independently operating loaded air inlet valve located on the discharge side of the check or checks.

3.7 Contamination Means an impairment of the quality of the potable water by sewage, industrial fluids or waste liquids, compounds or other materials to a degree which creates an actual hazard to the public health through poisoning or other serious health effects or otherwise be hazardous to the health and safety, or through the spread of disease.

3.8 Cross-Connection Any physical connection or arrangement of piping or fixtures between two otherwise separate piping systems one of which contains potable water and the other non-potable water, or industrial fluids of questionable safety, through which, or because of which, backflow or back-siphonage may occur into the potable water system.

3.9 Cross-Connections - Controlled A connection between a potable water system and a non-potable water system with an approved backflow prevention device properly installed that will continuously afford the protection commensurate with the degree of hazard.

3.10 Cross-Connection Control by Containment The installation of any approved backflow prevention device at the water service connection to any customer's premises, or the installation of an approved backflow prevention device on the service line leading to and supplying a portion of a customer's water system where there are actual or potential cross-connections which cannot be effectively eliminated or controlled at the point of cross-connection.

3.11 Hazard, Degree of The term is derived from an evaluation of the potential risk to public health and the adverse effect of the hazard upon the potable water system.

3.11.1 Hazard - Health (High Hazard) Any condition, device, or practice in the water supply system and its operation which could create, or, in the judgment of the Water District Manager, may create a danger to the health and well being of the water consumer.

3.11.2 Hazard - Plumbing (High Hazard) A plumbing type cross-connection in a consumer's potable water system that has not been properly protected by a vacuum breaker, air-gap separation or backflow prevention device. Unprotected plumbing type cross-connections are considered to be a health hazard.

3.11.3 Hazard - Pollution (Low Hazard) An actual or potential threat to physical properties of the water system or to the potability of the public or the consumer's potable water system, but which would constitute a nuisance or be aesthetically objectionable, or could cause damage to the system or its appurtenances, but would not be dangerous to health.

3.12 Industrial Fluids System Any system containing a fluid or solution which may be chemically biologically, or otherwise contaminated or polluted in a form or concentration

such as would constitute a health, system, pollutional or plumbing hazard if introduced into an approved water supply.

3.13 Pollution Means the presence of any foreign substance (organic, inorganic, or biological) in water which tends to degrade its quality so as to constitute a hazard or impair the usefulness or quality of the water to a degree which does not create an actual hazard to the public health, but which does adversely and unreasonably affect such waters for domestic use.

3.14 Water - Potable Water from a source which has been approved by the Massachusetts Water Supply and Pollution Control Commission for human consumption.

3.15 Water - Non-Potable Water which is not safe for human consumption, or which is of questionable potability.

3.16 Water - Service Connections The terminal end of a service connection from the public potable water system; i.e., where the water purveyor loses jurisdiction and sanitary control over the water at its point of delivery to the customer's water system. If a meter is installed at the end of the service connection, then the service connection will mean the downstream end of the water. Service connection shall also include water service connection from a fire hydrant and all other temporary or emergency water service connections from the public potable water system.

3.17 Water - Used Any water supplied by a water purveyor from a public potable water system to a consumer's water system after it has passed through the point of delivery, and is no longer under the sanitary control of the water purveyor.

#### SECTION 4. REQUIREMENTS

##### 4.1 Water System

4.1.1 The water system will be considered as made up of two parts; the utility system and the customer system.

4.1.2 Utility system shall consist of the source facilities and the distribution system; and will include all those facilities of the water system under the complete control of the utility, up to the point where the customer's system begins.

4.1.3 The source will include all components of the facilities utilized in the production treatment, storage, and delivery of water to the distribution system.

4.1.4 The distribution system will include the network of conduits used for the delivery of water from the source to the customer's system.



4.1.5 The customer's system will include those parts of the distribution system which provide domestic drinking water to all internal areas of the customer's facilities. The customer's system begins at the end of the Water District's distribution providing potable water.

#### 4.2 Policy

4.2.1 No water service connection to any premises will be installed or maintained by the Water District unless the water supply is protected as required by Massachusetts State Law, and this regulation. Service of water to any premises will be discontinued by the Water District if a backflow prevention device required by this regulation is not installed, tested and maintained, or if it is found that a backflow prevention device has been removed, by-passed, or if an unprotected cross-connection exists on the premises. Service will not be restored until such conditions or defects are corrected.

4.2.2 The customer's system should be open for inspection at all reasonable times to authorized representatives of the Water District to determine whether cross-connections or other structural or sanitary hazards, including violations of this regulation exist. When such a condition becomes known, the District Manager shall deny or immediately discontinue service to the premises by providing for a physical break in the service line until the customer has corrected the condition(s) in conformance with state and local statutes relating to plumbing and water supplies and the regulations adopted pursuant thereto. All expenses relating to the disconnection and reconnection will be at the customer's expense.

4.2.3 An approved backflow prevention device where required in accordance with Section 2.2 above, will be installed on each service line to a customer's water system at or near the property line or immediately inside the building being served; but, in all cases, before the first branch line leading off the service line wherever the following conditions exist;

4.2.3A In the case of premises having an auxiliary water supply which is not or may be of safe bacteriological or chemical quality and which is not acceptable as an additional source by the Water District or Department of Environmental Protection, or the Acton Board of Health, the public water system will be protected against backflow from the premises by installing a backflow prevention device in the service line appropriate to the degree of hazard.

4.2.3B In the case of premises on which any industrial fluids or any other objectionable substance is handled in such a fashion as to create an actual or potential hazard to the public water system, the public water system will be protected against backflow from the premises by installing a backflow prevention device in the service line appropriate to the degree of hazard.

4.2.3C In the case of premises having (1) internal cross-connection that cannot be permanently corrected and controlled or (2) intricate plumbing and piping arrangements, or

where entry to all portions of the premises is not readily accessible for inspection purposes, making it impracticable or impossible to ascertain whether or not dangerous cross-connections exist, the public water system will be protected against backflow from the premises by installing a backflow device in the service line.

4.2.4 The type of protective device required under subsections 4.23A, B, C will depend upon the degree of hazard which exists as follows:

4.2.4A In the case of any premises where there is an auxiliary water supply as stated in subsection 4.23A of this section; or

4.2.4B Where there is any material dangerous to health which is handled in a fashion as to create an actual or potential hazard to the water system; or

4.2.4C Where there are "uncontrolled" cross-connections, either actual or potential, the public water system will be protected by an approved air-gap separation or an approved reduced pressure principle backflow prevention device at the service connector.

4.2.4D In the case of any premises where there is water or substance that would be objectionable but not hazardous to health, if introduced into the public water system, the public water system will be protected by an approved double check valve assembly.

4.2.4E In the case of any premises where, because of security requirements or other prohibitions or restrictions, it is impossible or impractical to make a complete implant cross-connection survey, the public water system will be protected against backflow or back-siphonage from the premises by the installation of a back-flow prevention device in the service line. In this case, maximum protection will be required; that is; an approved air-gap separation or an approved reduced pressure principle backflow prevention device will be installed in each service to the premises.

4.2.5 Any backflow prevention device required herein will be of a mode and size approved by the District Manager. The term "approved backflow prevention device" will mean a device that is on the "approved list of backflow preventers and double check valves" as described in the Drinking Water Regulations of Mass., (310 C.M.R., 22.22) Department of Environmental Protection, as the same may be amended from time to time. Said approval lists have been adopted by the District Manager.

4.2.6 It will be the duty of the customer-user at any premise where backflow prevention devices are installed to have certified inspections and operational tests made at least once per year as required under Mass. regulations and this regulation. The Water District will conduct testing on these devices twice a year. The owner of the device will be charged for these tests. The Water District may have these tests performed by a designated representative.

In those instances where the District Manager deems the hazard to be great enough, he may require certified inspections at more frequent intervals. These inspections and tests will be at the expense of the water user and will be performed by Water District personnel, or by a certified tester approved by the District Manager, and approved by the State of Massachusetts. It will be the duty of the District Manager to see that these timely tests are made. The District Manager will notify the customer-user in advance when the tests are to be undertaken so that he or his representatives may witness the test if so desired. These devices will be repaired, overhauled, or replaced at the expense of the customer-user whenever said devices are found to be defective. Records of such tests shall be kept by the District Manager.

4.2.7 All presently installed backflow prevention devices which do not meet the requirements of this section, but were approved devices for the purposes described herein at the time of installation and which have been properly maintained, will, except for the inspection and maintenance requirements under subsection 4.2.6, be excluded from the requirements of these rules, so long as the District Manager is assured that they will satisfactorily protect the utility system. Whenever the existing device is moved from the present location or requires more than the maintenance, or when the District Manager finds that the maintenance constitutes a hazard to health, the unit will be replaced by a backflow prevention device meeting the requirements of this section.

4.2.8 All industrial and commercial establishments attached to the Water District are required to install at the service entrance immediately downstream of the meter, a reduced pressure (RP) backflow device.

4.2.9 All decisions relating to determination of backflow devices will be made by the Commissioners or District Manager. Failure to comply with any directive from this office will result in termination of service.

5.1 All testing and or maintenance performed on backflow devices by the Water District or its agent will be charged to the owner of the device.

Rules and Regulations adopted by the Commissioners of the Water Supply District of Acton, June 11, 1990, at a Regular meeting of said Commissioners.

Stephen C. Stuntz  
Ronald R. Parenti  
Leonard A. Phillips

Fee Schedule for Backflow and  
Cross-Connections  
June 11, 1990

A. Survey Fees

\$55.00 - first hour or part thereof (minimum)  
\$26.00 - each additional hour - chargeable in  
one-quarter hour installments

B. Testing Fees (During normal work hours.)

1st Device - \$55.00 per device (or unit).  
2nd Device and all additional devices - \$30.00 per  
device (or unit).

C. If testing cannot be conducted during regular work  
hours (Monday - Friday), a fee of one and one-half  
the above will be charged.

Adopted by the Commissioners of the Water Supply  
District of Acton, June 11, 1990 at a regular  
meeting of said Commissioners.

Stephen C. Stuntz  
Ronald R. Parenti  
Leonard A. Phillips

**BY-LAWS TO REGULATE THE NOMINATION AND  
ELECTION OF OFFICERS OF THE DISTRICT**

I The purpose of the By-Laws hereinafter set forth are to regulate the nomination and election of officers for the District so that the voters of the District may have knowledge of the candidate prior to an election.

II All elections to any office in the District shall be by means of a printed ballot. This ballot shall be caused to be printed by the Commissioners acting as election officers from information furnished to them by the Clerk of the District as provided hereinafter.

III No person's name shall be printed on the ballot unless he or someone on his behalf has submitted nomination papers signed by fifty registered voters of the District, setting forth the office for which he is a candidate and containing a statement signed by the candidate that he will accept the office, if elected. Nomination papers of a candidate for office of the District shall be filed with the Clerk of the District in accordance with Chapter 53, Section 10 of General Laws, Submission to the Registrar of Voters shall be in accordance with Chapter 41, Section 115 of the General laws.

IV Nothing herein shall be construed as preventing a vote by stickers or writing in the name of a candidate, all as provided in the General Laws, except that not such sticker or write-in candidate shall be deemed to be elected unless he has received valid votes equivalent to 1% of the total of the number of registered voters in the District, as hereinafter determined.

V The Commissioners, acting as election officers, shall prepare as of twenty (20) days prior to the Annual Election, a list of eligible voters from the official voting list of the Town of Acton as of that time. This list shall remain closed until after the Annual Meeting of the District. The list will then be reviewed and revised for all subsequent Special Meetings, up to the day of the Special Meeting. These lists will then be used to determine the right of any person to vote at any election or any meeting of the District.

VI All candidates elected to offices in the District shall be sworn to the performance of their duties by the Clerk of the District, except in the case of the Clerk, who shall be sworn by any of the Commissioners. The Clerk shall make a record of the facts in the minutes of the meeting.

VII Elections and Nominations of District officers will be conducted in accordance with chapters fifty-six, inclusive, of the General Laws so far as applicable, except as otherwise provided in sections one hundred and fourteen to one hundred and seventeen of Chapter 41 of the General Laws, inclusive, and except as otherwise provided by the District By-Law.

**BY-LAWS**  
**(as adopted and amended to March, 1994)**

i The Annual Meeting of the Water Supply District will be held on the third Wednesday of March, of each year for the transaction of the necessary business connected with the District, and Election of Officers will be held on the last Tuesday of March of each year. The time and place of holding such election and vote shall be stated in the warrant for the Annual Meeting and such election and vote shall will deemed part of the Annual District Meeting.

ii All meetings may be called by a majority of the Board of Water Commissioners, directed to the Clerk, or as specified in Chapter 326 of the Acts of 1912, Section 8.

iii All warrants shall be posted at least fourteen (14) days before the time of the meeting.

iv The Clerk shall preside at each meeting until a Moderator is chosen.

v At each Annual Election Day there will be elected by ballot, one Commissioner for a term of three years, a Clerk and a Moderator who will serve for one year.

vi If a vacancy should occur for any cause in the office of Clerk, Treasurer, or any other officer of the District except the Board of Water Commissioners, it may be filled for any such unexpired term by the Water Commissioners.

vii The Board of Commissioners will annually in the report of the District, give an estimated budget for the ensuing year.

viii a) The Moderator will appoint a Finance Committee to advise the Commissioners. The Committee will consist of three voters of the District and will be appointed in the following manner:

One member will be appointed for one year;  
One member will be appointed for two years; and  
One member will be appointed for a term of three years.

Thereafter, each appointment will be for a term of three years.

b) No member of the Finance Committee may serve any other standing committee of the District or the Town of Acton having to do with expenditure of funds.

c) The Finance Committee will review the budget for the Annual Meeting and will make recommendations to the Commissioners on any matters of a financial nature arising out of an Annual or Special Meeting, and will make recommendations as to the long range fiscal plans of the District.

ix The Commissioners will appoint annually a Treasurer-Collector which office will have all the powers and duties conferred by law upon a collector of taxes and District Treasurer.

x Any person violating any order restricting water use imposed by vote of the Commissioners will be fined not more than \$200.00 for each offense, which shall inure to the District for such uses as the Commissioners may direct. Fines shall be recovered by indictment or on a complaint before a District Court, or by non-criminal disposition in accordance with section Twenty-one D of Chapter 40 of the General Laws. Every day that such violation continues shall constitute a separate offense.

xi a) A five member Water-Land Management Advisory Committee is hereby established. Two members to be appointed by the Commissioners for a term of three years, two members to be appointed by the Moderator of the District for a term of two years, one member to be appointed by the Selectmen for a term of one year. Thereafter, each appointment will be for a term of three years.

b) The Advisory Committee shall review and make recommendations to the Commissioners on matters relating to water and land management policies of the district and shall make recommendations to the Commissioners on any matter relating to agreement authorized under the "By-Law to Regulate the Removal of Sale of Sand and Gravel from Lands in District Use", and will undertake such other tasks related to water and land management as the Commissioners deem appropriate.

xii No person will turn on or tamper with a water main or hydrant or other device used for water supply or install a bypass around a water meter without first procuring a written permit to do so from the Manager of the Water District. Any person violating said section will be fined not more than \$200.00 for each offense, which shall inure to the District for such uses as the Commissioners may direct. Fines will be recovered by the indictment or on complaint before the District Court or by non-criminal disposition in accordance with Section 21D of Chapter 40 of the General Laws. Every day that such violation continues will constitute a separate offense. This section will not curtail the fire department or Water District in the normal course of providing fire protection or water supply.

xiii a) No person shall maintain upon premises which they own or occupy, a physical cross connection between the distribution system of a public water supply, the water of which is being used for drinking, domestic, or culinary purposes, and the distribution system of any unapproved water supply, unless the installation has been reviewed and approved by the Water District and permits have been issued in accordance with the Drinking Water Regulations of the Department of Environmental Quality Engineering.

b) That the Water District shall have the authority to terminate any water source to any facility where cross connections are maintained without required backflow prevention devices which have been approved by the District.

c) That the Commissioners shall enact such Cross Connection Control Program and Regulations as are necessary to protect the public potable water supply served by the District from the possibility of contamination or pollution by isolating within its customer's internal distribution system, such contaminants or pollutants which could backflow or back-siphon into the public water system; and to promote the elimination or control of existing cross connections between its customers; in-plant potable water system, and non-potable water system; and to provide for maintenance of a continuing program of cross connection control which will effectively prevent the contamination or pollution of all potable water systems by cross connection.

xiv District authorizes the Commissioners to establish quarterly due dates for payment of water charges and bills, and authorizes the Commissioners to fix a rate of interest which shall accrue if such charges or bills remain unpaid after such due dates, provided, however, such rate of interest shall not exceed the rate of interest which may be charged on tax bills under the provision of Section 57 of Chapter 59, Massachusetts General Laws, as amended.

xv Section 1 - Authority:

This By-Law is adopted by the District under Chapter 326 of the Acts of 1912, its police powers to protect public health and welfare and its specific authorization under Massachusetts General Laws Ch. 41, Section 69B: Ch. 40 Section 41A.

Section 2 - Purpose:

The purpose of this By-Law is to protect, preserve, and maintain the public health, safety and welfare whenever there is in force a state of water supply emergency by providing for enforcement of any duty imposed restrictions, requirements, provisions or conditions imposed by the District or by the Department and included in the District's plan approved by the Department of Environmental Protection to abate the emergency.

Section 3 - Definitions:

For the purpose of the By-Law: Enforcement authority will mean the District's Board of Water Commissioners having the responsibility for the operation and maintenance of the water supply; the Town police, special police, and any other locally designed body having police powers.

State of water supply emergency shall mean a state of water supply emergency declared by the Department of Environmental Protection pursuant to G.L.c.21G, Section 15, 16, 17:G.L.c111, Section 160, or by the Governor.



#### Section 4 -

The following will apply to all users of water supplied by the District. Following notification by the District of the existence of a state of water restriction included in a plan approved by the Department of Environmental Protection which has as its purpose the abatement of a water supply emergency.

Notification of any provision, restriction, requirement, or condition with which users of water supplied by the District are required to comply to abate a situation of water emergency shall be sufficient for purposes of this By-Law if it is published in a newspaper of general circulation within the Town of Acton or by such users of the District Supply.

#### Section 5 - Penalty:

Any person or entity who violate this By-Law, shall be liable to the District in the amount of \$50.00 for first violation and \$100.00 for each subsequent violation and \$100.00 for each subsequent violation which shall insure to the District for such uses as the Board of Water Commissioners may direct. Fines shall be recovered by indictment or on complaint before the District court or by non-criminal disposition in accordance with Section 21D of Chapter 40 of the General Laws. Each separate instance of noncompliance following the issuance of any warning or citation pursuant to this section shall constitute a separate violation.

#### xvi By-Law to Regulate Underground Water Sprinklers

a) No person shall install, repair, replace, or alter a permanent outdoor underground water sprinkler connected to the public water supply except as provided by this By-Law.

b) Applications to the District for the installation and use of permanent outdoor underground lawn sprinklers will be signed by the owner(s) of the premises where it is desired, or by a duly authorized agent, and shall be made in writing. The application will contain such information as shall be prescribed by the Commissioners.

c) The Commissioners will make such rules and regulations relating to the installation, repair, maintenance, replacement or alteration of permanent outdoor underground lawn sprinklers, which rules and regulations may specifically prohibit the installation of same, or may regulate such installation, repair, maintenance replacement or alteration; and may provide for design criteria which includes, but are not limited to, rain gauges, automatic timers, back-flow devices, shut-off devices, electric controls, and the like, and will include fees to be paid to the District by the applicant or owner.

d) The Commissioners will have the authority and the duty to adopt, issue and administer rules and regulations for the administration and operation of permanent outdoor underground lawn sprinklers connected to the public water supply.

e) No permit granted prior to the effective date of this By-Law will be deemed invalid because of having been granted either by the Board of Health of the Town of Acton, or the District Manager, or both; provided, however, it will be the responsibility of the owner(s) to produce written evidence of the same. Any permanent underground water sprinkler legally installed prior to the effective date of this By-Law which becomes defective or requires replacement or repair will be subject to this By-Law and the rules and regulations adopted by the Commissioners from time to time.

f) If the Commissioners shall find that any provisions of this By-Law is being violated, the Commissioners will notify in writing the person(s) deemed responsible for such violation, indicating the nature of the violation and ordering the necessary action to correct it.

g) Any person violating this By-Law will be fined not more than \$200.00 for each offense, which shall inure to the District for such uses as the Commissioners may direct. Fines will be recovered by indictment or on complaint before the District Court or by non-criminal disposition in accordance with section 21D of Chapter 40 of the General Laws. Every day that such violation continues will constitute a separate offense. This section will not curtail the Board of Health or Plumbing Inspector, Town of Acton, from seeking enforcement under other applicable provisions of law.

h) The provisions of this By-Law, as amended from time to time, are separable. If any provisions of the By-Law, or any amendments thereto, is held invalid, the other provisions of the By-Law will not be affected thereby. If the applicant of such provision, or any amendment thereto, is held invalid the applications of such provision to other person and circumstance will be affected thereby.

#### xvii Addition to By-Laws

The owner of property supplied will be charged for all water furnished to the premises during ownership of the premises. When ownership changes, the name and mailing address of the new owner will be given to the Treasurer-Collector of the District, at once, so that bills may be properly rendered.

The property owner must keep the water meter on the premises easily accessible for reading at all times, and will not tamper with the meter in any way. Each ownership must be separately served and metered so that each water user can be denied water service without disrupting service to other owners.

All new construction will require separate service lines and meters.

#### xviii By-Laws as amended March 16, 1994 (Article 28)

#### Section One:

By-Law to reduce the local daily and seasonal peak water use.

#### Section Two:

The purpose of this By-Law is to implement a number of water efficiency and conservation measures and by so doing provide reductions in overall demand in the District's service area. The goal is to achieve maximum water efficiency in the local public water system, domestic and non-domestic users. The overall objectives are:

- a) To make water conservation a priority in all water related decision making at the local level.
- b) To reduce or eliminate the waste of water through appropriate water supply management practices.
- c) To promote conservation of all water resources by all consumers through the introduction of technology, methods and procedures designed to increase the efficient use of water.
- d) To encourage innovations in technology, policy and management.
- e) To maximize the efficient use of existing supplies prior to allocating additional resources.
- f) To promote public awareness of the long term economic environmental benefits of conserving water by implementing practical measures within the District's service area.
- g) To monitor consumption and facilities accurate annual billing of users and collection of water rates.

#### Section Three:

Definition:

For the purpose of this By-Law. Enforcement authority will mean the District's Board of Water Commissioners, or District Manager, having the responsibility for the operation and maintenance of the water supply; the Town police, special police and other locally designated bodies having police powers.

#### Section Four:

- a) The following will apply to all users of water supplied by the District. Following appropriate notification of the District of the necessity to impose water restrictions, including but not limited to, regulating the outside of water for any purpose, the Commissioner may impose restrictions by a majority vote of the Commissioners at a regular or special meeting of the Board. Notification of any restriction, requirement or condition to conserve water will be sufficient for the purpose of this By-Law if it is published in a newspaper of general circulation within the Town of Acton, or by such other notice as is reasonably calculated to reach and inform users of the District's supply.

B) Notification of any restriction, requirement or condition to conserve water will be sufficient for the purpose of this By-Law if it is published in a newspaper of general circulation within the Town of Acton, or by such other notice as is reasonably calculated to reach and inform users of the District's supply.

Upon notification to the water takers, violators shall be subject to lawful order of the Commissioners, including but not limited to, shutting off the water meter or at the curb cock, or by other means as the case may be, during drought, hurricane, conflagration or other disaster which in the opinion of the Commissioner's may exist.

#### Section Five:

##### Penalty:

Any person or entity who violates this By-Law, or order or notification, will be liable to the District in the amount of \$300.00 which shall inure to the District for such use as the Commissioners may direct. Fines shall be recovered by indictment or upon complaint before the District Court or by non-criminal disposition in accordance with Section 21D of Chapter 40 of the General Laws as amended. Each separate instance of non-compliance following issuance of a warning or citation pursuant to this section will constitute a separate violation.

#### Section Six:

##### Permanent Orders of the Commissioners:

Unless discontinued, or modified, in whole or in part, the following orders will be considered in effect as of March 16, 1994:

- (a) Outside use of water will be restricted between May 1st and October 1st each year on such terms as the Commissioners may determine.
- (b) All final water bills requested by owners, purchasers, or others, serviced by the District's authorized personnel.

#### Section Seven:

##### Right of Entry:

Except as provided in Section 6(b), Agents of the enforcement authority may enter any property, except the interior of a domicile, for the purpose of inspecting or investigating any violation of the By-Law or enforcing against the same.

#### Section Eight:

##### Severability:

The invalidity of any portion or provision of the By-Law shall not invalidate any other portion, provision or section thereof.

xix Regulate the Removal and Sale of Sand and Gravel from Lands in District Use

Section 1. The purpose of this By-Law is to regulate the removal of sand and gravel on lands owned or leased by the District so as to promote safe and sound economic development, improvement and management of said land; and protect and preserve the purity of the water supply, wells and aquifers.

Section 2. The Commissioners will fix a reasonable time for a public hearing on any proposal for removal and sale of sand and gravel from land in District use. Notice of the public hearing will be given at least two weeks prior to the hearing in a local newspaper, and by mailing a copy of said notice to the owners of all property within five hundred (500) feet of the property line of the District land as they appear on the most recent applicable tax list. Included in the list of owners shall be abutters, owners of land directly opposite any public or private street, and abutters to abutters within the five hundred (500) feet aforesaid.

The public hearing shall be held no later than 21 days prior to the business meeting of the District which includes an appropriate warrant article for action by voters of the District. Action by voters of the District on any article permitting the Commissioners to enter into a written contract for removal and/or sale of earth materials from lands of the District shall require a two-thirds vote. At the public hearing the Commissioners will present evidence of the need for excavation; a site specific map of wetlands, limits of 100 year flood plain, vegetation, surface waters, topography (before and after), property lines and adjacent land uses; and estimation of high water table on the land.

Section 3. In entering into a written contract not to exceed one year, the Commissioners will impose conditions and specifications including but not limited to the following:

- A. A detailed plan showing limits and phases of excavation.
- B. Specific and reasonable hours of operation, including truck arrival and departure.
- C. Required stockpiling of topsoil for use in restoration.
- D. Prohibition of excavation with 10 feet of the annual high water table.
- E. Prohibition of removal within 100 feet of property lines and existing public ways.
- F. Limitation of work faces to 10 vertical feet and requirement that all faces will be broken down to their natural angle of repose at the end of each working day. Any

existing non-complying faces will be reduced as fast as safety and practice engineering permit.

G. Maintenance of natural vegetation on undisturbed land for screening and noise reduction purposes, and provision for dust suppression on the site.

H. A requirement that restoration be carried on simultaneously with excavation, so that when any three acres operation area has been excavated, at least two acres will be restored before work commences on the next contiguous three acres, so that at no time will more than four acres be unrestored.

I. Provisions to grade slopes safely, loam and revegetate all disturbed areas.

J. Removal of debris, stumps, boulders, etc. from the site and dispose of in an approved location or in the case of inorganic matter, buried and covered with at least two feet of soil.

K. A requirement that all retained subsoil and topsoil be spread over the disturbed area and seeded. Trees or shrubs of prescribed species will be planted to provide screening and reduce erosion during the establishment period.

L. A requirement that final restoration work be completed within 60 days, weather permitting, after completion of excavation operations.

M. A requirement of posting surety bond, performance and payment bond or other adequate security to insure compliance with terms of the contract.

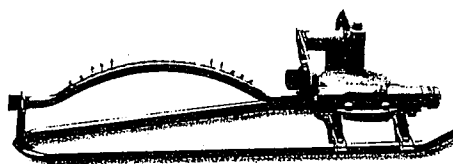
N. Regular inspection by the Commissioners or their agent at reasonable hour to insure that contract provisions are being adhered to, and provision for halting operation for any violation.

O. Other appropriate conditions, limitations and safeguards as the Commissioners deem necessary for the protection of the public health, safety, convenience and welfare, and for protection and preservation of the purity of the water.

Peak water usage in the spring and summer is always a problem. Please water outdoors only when really needed. Also, always comply with the District's outdoor water usage By-law.

Outside watering for any purpose is as follows:

**Odd numbered houses may water outside on odd numbered calendar days and even numbered houses on even numbered calendar days.**



Strict compliance will reduce the possibility of additional, and much more restrictive, water use regulations.

