

**Minutes**  
**Town of Acton Community Preservation Committee (CPC)**  
**August 09, 2018**  
**Acton Memorial Library**

Members Present: Peter Berry, Tory Beyer, Dean Charter, Walter Foster (Chair), Amy Green, Carolyn Kilpatrick (Associate), Joe Will (Clerk), Ray Yacouby

Others Present: Kristen Guichard (Acton Senior Planner), Susan Mitchell-Hardt (Acton Conservation Trust President), Alec Wade (UMass grad student, Acton Planning intern)

Walter opened the meeting at 7:33 PM.

**I. Citizen Concerns**

- None.

**II. Minutes of May 10, 2018**

- It was moved, seconded, and voted unanimously to approve the minutes as presented.

**III. Discussion: proposed procurement policies for CPA project awards to non-governmental entities**

- In response to a request from Walter asking Dean to look at CPA processes, Dean shared his concerns about taxpayer-funded CPA projects on non-public properties not having to meet public purchasing standards. This included a document, “Procurement guidelines proposal for 2019 CPA Plan,” in which Dean proposes that the CPC consider similar requirements be part of the 2019 Plan. He also provided the latest charts (July 2018) from the State that detail legal requirements for public purchases. Points made by Dean:
  - Tom Tidman and Cathy Fochtman have to comply to the requirements on CPA projects that they oversee.
  - If it’s good practice for expenditures on public buildings, it should be the same for private buildings. We could add wording in our CPA Plan to make this happen.
  - The process assures that reasonable bids are done by proper contractors.
  - Massachusetts has its Prevailing Wage law. You have to pay prevailing wage rates for public projects. This guarantees you have a qualified, competent work force to guarantee good results. It’s a good practice. It’s been state law for 50 years.
  - Key is the fact that CPA funds are “public funds.” The CPC should be careful stewards of those funds.
  - Including this requirement for private proposals would add a level of complexity to these proposals, but it would be a matter of good government to do this.
  - A hope is to at least get a discussion started, and people could go through the information Dean provided before the next meeting.

Kristen explained how the process works.

Discussion points:

- The process provides for “pre-qualification” via state certification. Would the CPC provide lists of qualified parties? No.
- This would reinforce public trust in the use of taxpayer money, something the CPC should endorse. Underlying trust is critical. If trust is not there for a project, then it shouldn’t be funded.
- If adopted, the CPC should provide assistance to the public with this. Having to comply could be pretty burdensome.
- Perhaps require only that projects costing more than a certain amount have a certain number of bids.
- For minimum \$ amounts that would require this process, one would have to look through the charts.
- The Committee would not change the application process. That there would be due process and due diligence would be part of the application. A proposal would not have to have bids in hand prior to receiving CPA approval. An applicant would have to provide a “good-faith estimate” of cost. The CPC could award accordingly. But then the applicant would have to go through this process.
- If the Committee approves this now, it would have to get it into the 2019 Plan.
- This would be a whole new language for many people. It would need a lot of explanation. It would involve more “care and feeding” of applicants than in the past.
- It would be challenging to be an arbiter of this.
- For this year, the CPC could simply put some guidelines into the Plan to help with a project’s legitimacy.
- Raising Committee awareness to this, which Dean has done, is good thing.
- Maybe the Committee could apply things “selectively” as part of our process. The Committee could tell an applicant: In this case, we are asking that you . . . .
- Any additional regulatory condition would have different impacts on different projects.
- How much “handholding” would Town staff do with an applicant? For a quarter of our past projects, the applicants would be running to Town staff for help. This is not good. For a project like that completed at the Acton Woman’s Club, the applicant would not have the institutional knowhow on how to do proceed. Additional \$ might have to be added for Town staff help. It could be an enormous burden on the Town, and individuals could be exposed to litigation (a losing bidder could have the right to sue the applicant). It would be good to hear from Town staff on this.
- For the Woman’s Club project, the applicant did meet with Roland Bartl and Kristen a lot.
- Can Town staff give us a sense of how well this would work by the next Committee meeting? What would be its expectations of the impact of this?
- Another concern would be for fairness among the four “pillars” (categories) of CPA projects. Open Space would be exempt. What would be the impact on affordable housing? For affordable housing, anything done by the Acton Housing Authority already complies.
- The Committee does pretty good on accountability, but it is open to ways to improve it.
- The Committee needs more discussion on this.

- If the Committee would have an uneasy feeling about a proposal, it should be doing some vetting “right then and there.”
- This is not a trust issue per se. If there’s a way to factor it in “low key” (e.g., such as with the 2018 picture restoration project), that would be a good start.
- Even the Town struggles with these procedures. It’s not easy even for those who work in the public sector.
- Prevailing wage drives up costs and not as much would get done for a given amount of \$.
- If nothing else, the Committee should make sure that there is wording in award letters for soliciting a proper number of bids and hiring contractors who are properly qualified.
- We will revisit this on next agenda.
- For the next meeting, Peter will follow up on this with Stuart Saginor of the Community Preservation coalition for “best practices.”

Dean is satisfied that he at least raised the issue, and it seems the Committee is more aware that it should be more careful when its grants CPA awards, making sure that appropriate guarantees are in place.

#### **IV. Draft 2019 Community Preservation Plan – review & edits for release**

- Kristen led the Committee through the current draft, collecting and (Alec) making approved edits.
- It was moved, seconded, and voted unanimously to approve the 2019 Community Preservation Plan as read, reviewed, and edited at this meeting.

Discussion points related principally to Part III above:

- p 27 is where the Plan could say something about a bidding process.
- There is a raised awareness of procurement processes, but more time would be needed to incorporate related changes into this Plan.
- Now the Plan gets publicized and the next CPC meeting (09/13) will be a Public Hearing on the Plan. Something could be added at that time, or there could be another whole meeting.
- Don’t mess with the Plan this year as it would take quite a bit of thought to come up with something with which people would be comfortable. Maybe the Committee can kick it around more over the winter.
- Maybe the Committee can work with the processes more as projects come in.

#### **V. Officer Elections**

- Walter nominates Ray to be Chair, Peter to be Vice-Chair, and Joe to be Clerk. There were no other nominations. This slate was moved, seconded, and voted unanimously.
- Congratulations to Walter for having done a great job.

#### **VI. Project Updates (Skate Park, etc.)**

- The now-open Bruce Freeman Rail Trail is a “spectacular” asset for the Town. It’s an example of good use of CPA funds. Tomorrow the Assabet River Rail Trail “joins the club.”

- Cathy Fochtman provided an email update on the Skatepark. Boxborough is providing \$20K. Cathy is looking at a completion date in Spring, 2019.
- Per Susan, work on the Conservation Restriction for 176 Central Street is nearly complete.
- Joe mentioned some of the lands that Acton's Open Space Committee is actively looking at.
- Per Peter, Town Manager John Mangiaratti has put together a committee to work on Kelley's Corner. This committee will be a meeting next week.

## **VII. Administrative Updates**

- Greg Johnson has left the CPC. He is Maynard's new Town Administrator. This opens up one Associate member position on the Committee.
- There will be a Special Town Meeting the first week of December related mainly to marijuana.

8:55 PM — It was moved, seconded, and voted unanimously to adjourn.

Next scheduled meeting: 09/13/18.