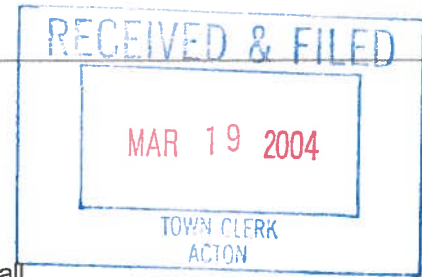


**Eva Bowen**

**From:** Susan Mitchell-Hardt  
**Sent:** Thursday, March 18, 2004 5:42 PM  
**To:** Clerk Department  
**Cc:** Community Preservation Committee; Roland Bartl  
**Subject:** Minutes for CPC Meeting of 2/5/04, 7:30 pm - 11 pm, Town Hall



**Minutes for CPC Meeting of 2/5/04, 7:30 pm - 11 pm, Town Hall**

Attending: Peter Berry, Walter Foster, Andy Magee, Catherine Coleman, Erin Bettez, Susan Mitchell-Hardt, Alison Gallagher, Matt Lundberg, Peter Grover, Mimi Herington, Roland Bartl

Absent: Chris Schaffner

Audience: Ann Chang, Bill Mullin, Maya Spies, Mike Scanlon, John Ryder, Matt Liebman, Ruth Martin

**1. New Business**

Bill Mullin read his letter to the CPC on behalf of the Friends of Leary Field. He stated that they are withdrawing their proposal requesting funding for Leary Field Improvements from consideration by the CPC as Town Counsel has found the proposal ineligible for CP funding. FOLG does not believe an appeal to be in the best interest of the CPA in Acton at this time. They stand behind the CPC's efforts and would be glad to help out whenever necessary.

Roland distributed a handout from Town Counsel, Steve Anderson, in which he reviewed each proposal for CPA eligibility. In the future the CPC will ask Town Counsel to review proposals at the very beginning of the process. It might give applicants the opportunity to modify their proposals.

Town Counsel indicated that if CP funds are sought for the rehabilitation and restoration of open space land for recreational use that the land/field would have had to have been originally acquired or created with CPA funds.

- Andy questioned Town Counsel's opinion. If one reads the Act, one can find opposite language throughout. He is leery of taking the decision at face value and would prefer that the proposal be deferred. A different attorney could make a different decision.

- Walter's interpretation of the DOR oversight rule is that unless one is turned in to DOR, it's possible for projects to go forward. Walter agrees with Andy, that it would be possible to find someone who agrees Leary Field is eligible; however Town Counsel is dedicated and thorough.

Walter supports the rest of the projects as a member of the committee. He thinks the flag project, which the CPC questioned initially, is well worth it.

The CPC needs to find out what role DOR plays. There are possibilities to appeal to DOR, and in the future, the committee should ask DOR beforehand.

- Peter Berry stated that bonding must go through bond court, and he could see additional problems.

What is the penalty if such a project were funded and DOR returns and states it's a disallowed use?

- Walter commented the the town has all the CP funds, we will be audited and we'll show that we complied with the statute of 10%, 10% and 10%. The CPC will come to the Town Meeting, and DOR may state that they can make the town pay in advance - that the CPA fund must be made whole; the liability falls to the town.

- Andy suggested it might be possible to modify the application to make it appropriate for CP funds, and have Town Counsel review it; he also suggested that the applicants might want to get their own opinion.

- Peter Berry commented that would be difficult for some applicants to afford - such as the Library.

- Roland cited page 8 of Town Counsel's opinion where it states that "proper characterization of the project is critical to the determination of whether it is eligible for CPA funding or not." Roland suggested that perhaps the proposal could be restructured to emphasize a primary CPA purpose. However, Town Counsel's position is, even if one emphasized that upgrading the field obviates the need to create additional athletic fields in Acton that "this reasoning does not change the primary purpose of the project which is "rehabilitation and restoration" not "preservation," of the field."

- Peter Berry pointed out that on p 9 the Town Counsel states that the CPC may want to request a formal opinion from DOR in the event it wants to pursue funding of this application. Peter stated that the CPC has the option to set money aside to resurface Leary Field and could go back to Town Meeting in the fall or spring; however, FOLG stated that they do not wish to pursue the idea.

Peter Berry emphasized that the CPC needs to rely on the advice of Town Counsel.

Peter Berry made a motion for the CPC to vote to accept FOLG's request to withdraw the Leary Field proposal.

The motion passed unanimously. He stated that the CPC appreciated FOLG's efforts, their commitment to the project and to the town.

- Personally, Peter hopes they will continue to work on the issue and conform a proposal to CPA Guidelines.

### **Town Counsel Discussion of Administrative Fees:**

Peter Berry summarized the Town Counsel position on Admin. Fees. All the items pertaining to administrative fees which the committee discussed in the last meeting are eligible administrative expenses.

Review of the Town Meeting warrant article(s) are not a a CPA expense, but if the committee asks Town Counsel to review projects for eligibility - that is an expense.

The Town Planner's time spent on CPA is eligible as is the time the Assessor spends to handle abatements and purchase and implement new software.

### **Public Comment:**

John Ryder stated that the Chair of the Fin Com commented that Chris Saccardi, of the CP Coalition, narrowly read the statute whereas it is likely that DOR will be liberal in its reading of the statute on what is and isn't eligible for the 5% administrative fees.

### **Discussion of projects designated by Town Counsel as "possibly" eligible for CPA funding:**

The committee agreed to keep the following applications: "Restoration of Historic American Flag", "Historic District Signage" and "Updating Town's Historical Resource/Structure Inventory". Formal direction from DOR may be requested.

Walter suggested not seeking DOR approval, but to consider them as we have.  
Peter added that the funding requests are modest and wouldn't bankrupt the fund.

**Motion:** A motion was made to move forward, keep the applications in consideration without seeking approval from DOR.

- The motion carried unanimously.

### **Approval of Minutes:**

Walter read to the committee the changes he made to the Minutes of 1/29/04. Nancy Tavernier passed along corrections to the committee re: the Minutes of 1/22/04. The committee voted to approve the minutes of 1/22 and 1/29/04 with the changes as proposed by Walter Foster and Nancy Tavernier.

### **Discussion re: Meetings with BoS and Finance Committee**

The members of the CPC will be scheduled at 7:30 pm - 7:45 pm, Tuesday, 2/10 to present the semifinal spread sheet and to discuss the rationale for allocating the \$950,000. The committee would like to solicit their comments and support. Catherine and Erin volunteered to represent the CPC at the Fin Com Meeting. John Ryder volunteered to work with whomever presents the semifinal spread sheet and to distribute copies of it.

Re: meeting with the BoS on 2/23: Walter has sent the BoS all materials and updates them each meeting.

## **2. Discussion re: Recommendations for Funding Proposals**

### **ARRT:**

Seven members recommended the full amount and three members were under and one over. All agreed to the full amount of \$170,000.

### **214 Central/28 Willow:**

Six members recommended \$25,000; four members recommended \$12,500; one recommended \$20,000.

- Andy went up to \$20,000 from \$12,500. He stated that \$22,000 is what the Towne School project was done as his justification.
- Peter Grover chose to stay at \$20,000.
- Mimi stated that since the site used to be a brownfield, that could increase the cost and justifies the full amount of \$25,000.

### **Community Housing Fund:**

- Peter Berry recommended funding at \$25,000. He would like to see that added to the \$95,000 from the New View Fund and to see that fund spent.

Five members recommended \$25,000; two members recommended \$20,000; two recommended \$12,500.

- Mimi agreed to change to \$25,000;
- Peter Grover agreed to change to \$25,000.
- Matt agreed to change to \$25,000.

### **Cultural Resource List:**

Peter Grover changed his recommendation from \$15,000 to \$20,000 to make this category unanimous.

**Davis Monument:**

Seven members recommended funding up to \$50,000. The contact person can review the bid and put conditions requiring that the applicant satisfy the committee that they got the best price.

- Walter said he would like to see more than one bid because if it's over, they can't fund it.
- Peter Berry suggested the applicant come to the committee and demonstrate the work is done properly before paying them.
- Andy was concerned that two years ago the cost was \$20,000-\$30,000 and has not increased to \$50,000. He's concerned that the committee is setting itself up for a higher cost.
- Peter Berry was concerned about deferring the project, as that drives up costs.
- Peter Grover added that business is improving which may lead to higher costs.
- Susan commented that fully funding the monument will be good for public relations as this type of project represents one of the reasons why people voted for CPA.

**Public Comment:**

- John Ryder commented that we will not know what's involved until restoration is begun; also change orders could add to the price.
- Ann Chang reiterated that the public relations aspect is important.

**East Acton Village Green**

Seven committee members proposed deferring funding until completion of the Morrison Farm Master Plan.

- Erin and Mimi stated that it's an important effort but timing is an issue. - Susan had hoped to see the Depot Plaza area begun, but that was difficult as the budget was sketchy, and there were no specific commitments from donors.
- Walter was concerned that the applicant hadn't gotten specific pledges from businesses, and that the applicant was mistakenly planning to rely on municipal workers for help.
- Andy felt this was an obvious project to defer in light of the Morrison Farm planning proposal.
- Mimi thought they had \$20,000 of in kind labor available now.

**AHA, Family Housing Initiative:**

The CPC was unanimous in proposing to fully fund this project at \$200,000. The leveraged funds from Mr. Sweeney are now in hand.

**Flag Preservation:**

The CPC unanimously supported fully funding the flag project at \$5,600.

**Historic District Signs:**

Concern was expressed over confusion resulting from potential blending of historic district signs and signs resulting from the village concepts and that too many signs were proposed.

- Catherine reiterated concern re: too many signs.
- Walter commented that we need to discuss this with the HDC before we vote.
- Peter Berry volunteered to talk with the HDC (Chris Schaffner, the contact person was absent).
- Peter Grover commented that it's not obvious which signs would come out, and if there are too many, it's not an important issue.
- Walter commented that the committee needs to reach consensus. The committee must be specific about which signs to take away.
- Peter Berry asked if permits are needed to put up signs.
- Roland commented that yes, if they are in the town right of way. If the sign is in the state right of way, state approval is needed.

**Public Comment:**

John Ryder commented that eventually they will use all the signs - so it's practical to give them all the money now.

**Morrison Farm Master Plan**

- Andy commented that this proposal is very important and was written in a hurried environment and is not fully fleshed out.
- Alison agreed, however, doing the feasibility study will allow the committee to get involved, and without it nothing will happen.
- Mimi commented that 3 public meetings are part of the proposal - the committee could negotiate to expand the proposal or re-vamp it.
- Walter commented that EAV, Bruce Freeman Rail Trail, and the cemetery land are part of the proposal. They are not rushing in to this; there will be lots of public process. Everything is on the table from building fields and parking lots to maintaining the status quo. There will be a Town Meeting vote as to the outcome. The important thing is to get the ball rolling.
- Andy commented that the Morrison Farm is a wonderful property and he would hate to make a mistake voting for a proposal that's not well vetted.
- Walter agreed that the proposal didn't talk about the fields, riding, etc.
- Peter Berry felt that Town Meeting voted to purchase the property to put fields on it and that one can't go against Town Meeting vote.
- Catherine commented that she spoke to Tom Tidman about the master plan process. Tom said the BoS will appoint a committee composed of those who would like to maintain the status quo or develop other uses as well as those who would like to see parking and fields which were promised when the property was purchased. The BoS will review who the committee will be; there could be 10 open meetings.
- Catherine stated that other fields could serve the same purpose, that we need to be open minded. She'll support the feasibility study.

**Public Comment:**

John Ryder commented that the final process is to plan what to do from Great Rd. to the cemetery. He doesn't think that 2-3 public meetings will be enough. Fin Com has a budget to fund potholes. If the master plan requires more funds, he would propose adding the pot hole money.

Maya Spies commented that her problem with the proposal is that it's tied in with the presumption of parking lots and playing fields. She would like to rewrite it to reflect the process which Walter described.

The Morrison Farm was purchased 6 years ago. Since then 9/11 has happened, and we value things differently. We know the property better now, and a more broadly written proposal would be more appropriate.

Ruth Martin stated that she supports Maya. She conscientiously read the Beacon, but didn't know that the Morrison Farm Master Plan proposal was being discussed by the CPC. She would like the proposal to be rewritten to reflect what everyone said. The purpose is to preserve natural landscapes. She voted to purchase the land and didn't know about the proposed soccer fields

Matt Liebman agreed with Andy Magee's and Walter's vision of the Master Plan and the public process. He agreed that things have changed in 6 years. There is a new field in Boxboro. He would like the town to fund the plan and have an open process.

Matt was concerned that he didn't see any open space proposals.

Peter Berry pointed out to Matt the the Reserve Fund will for open space purchase.

Andy commented that he found the comments and emails questioning the public process upsetting. It has been a public process; we had public meetings, advertised in the paper, articles in the paper, and letters in the paper. The CPC had its first discussion on Jan. 8.

Roland added that 11/14/03 was announced as the deadline for accepting new proposals.

#### **Bendig - 74 Nagog Hill Rd. Barn:**

- Susan changed her funding decision from \$48,000 to "defer" to achieve unanimity with the rest of the CPC. She felt the issue was too controversial particularly for the committee's first round of funding. She commented that now that she has been made aware of the dilapidated barn, she hopes for its restoration as it would enhance that area of Acton Center.

- Erin commented that she also sees value in saving the barn.

- Town Counsel ruled that the proposal is a valid purpose.

#### **T.J. O'Grady Skatepark**

\$67,000 is requested for this year and \$48,000 for next year.

- Walter suggested that the skatepark committee go to Boxborough to fund the bowl the next year.

Walter and Erin each changed their funding request from \$70,000 to \$67,000.

Peter Grover commented that he wants to stay at \$30,000.

Mimi commented that she is not in favor of another year of funding for this proposal.

#### **Public Comment:**

Ann Chang commented that when funds were voted for the skatepark at Town Meeting; the skatepark committee said they wouldn't need more. The reply was that since that time the committee upgraded to higher quality materials so it would last longer, got in kind donations, and the land for free.

Ann commented that she's in favor of many projects, and that she's concerned that the committee will bring one article to Town Meeting. If one project were unpopular, the entire warrant article could get voted down. She recommended that each project stand on its own.

Peter Berry indicated that the committee will talk to the Selectmen under whose control it is.

#### **Semi-final Vote on Funding Recommendations:**

- The CPC voted unanimously to fund the ARRT proposal up to \$170,000. (8:0)
- The CPC voted 7:1 to fund the ACHC, 214 Central/28 Willow St. feasibility study up to \$25,000.
- The CPC voted unanimously to fund the Community Housing Fund up to \$25,000.
- The CPC voted unanimously to fund the Cultural Resource List up to \$20,000. (8:0)
- The CPC voted unanimously to fund the Davis Monument proposal up to \$50,000. (8:0)
- The CPC voted unanimously to defer funding the EAV Green proposal. (8:0)
- The CPC voted unanimously to fund the AHA Family Housing Initiative proposal up to \$200,000. (8:0)
- The CPC voted unanimously to fund the Flag Preservation proposal up to \$5,600. (8:0)
- The CPC voted unanimously to fund the Historic District Signs up to \$8,285. (8:0)
- The CPC voted unanimously to fund the Morrison Farm Master Plan up to \$59,800. (8:1).
- The CPC voted unanimously not to fund the Bendig - 74 Nagog Hill Rd. barn. (8:0)
- The CPC voted to fund the T.J. O'Grady Skatepark at \$67,000. (7:1 - (one abstention)).
- The CPC voted unanimously not to consider the Town Forest Addition proposal. (8:0)
- The CPC voted unanimously to fund the Historic District Sign proposal up to \$8,285. (8:0)

- The CPC did not vote re: creating a Reserve Fund of \$284,000.
- The CPC did not vote re: creating an Administrative Fund of \$38,000.

**Public Comment:**

- Anne Forbes commented that if the CPC needs feedback from the HDC or to propose changes to the Historic District Sign proposal, they can take it up Monday night at the HDC meeting.
- Peter Berry asked if the CPC awards the HDC \$8285 for signs, can the CPC request an omission? Anne replied that is fine.

**Discussion on Administrative Expenses:**

- Roland stated that the actual request is for \$38,629.75.
- Roland passed out a handout itemizing administrative costs for services for one year from the Planning Dept. and from the Finance Dept., and Town Counsel review of proposals.
- Andy observed that this bill implies that because the town passed the CPA, it has received 100% state matching funds. In other words, citizens will pay \$25,000 (half price) for restoration of the Davis Monument. Under the circumstances, he feels it's odd for the CPC to receive a bill from the town.
  - Andy observed that the CPC is paying a full time person in the Finance Department, and that it would be helpful for the CPC to receive an invoice from them as well as a time sheet from staff who estimated approx. 30 hours/week spent on CPA. He added that the CPC might need more time this year from Town Counsel.
  - Roland commented that the time spent on CPA by staff is a conservative assumption as \$14.50/hour is the lowest clerical rate, and they are not billing for the entire cost.
  - Andy questioned the costs for dealing with abatements, etc. - that people come in for other abatements, and there is no charge; he also thinks those numbers may go down next year.
  - Walter agreed that the committee needs more details on the \$22,776 attributed to routine/recurring expenses for Assessing, Collector and Accounting staff associated with the CPA.; however, he pointed out that the town would have received no monies this year were it not for Town Hall's efforts.
  - Andy suggested that the committee continue the debate for the next meeting and that \$38,629 be used as a place holder for Administrative Expenses.

Walter said he would like to move that \$275,000 be put aside for open space - which raises the discussion re: trails vs. open space; open space is land; gardens and trails are recreation, etc. - a discussion for another meeting.

Respectfully submitted: Susan Mitchell-Hardt