

DATE SEP. 2, 2004**Maura Haberman***Maura Haberman*  
ASST. TOWN CLERK, ACTON

**From:** Susan Mitchell-Hardt  
**Sent:** Thursday, September 02, 2004 11:35 AM  
**To:** Maura Haberman  
**Subject:** Fwd: Minutes for CPC Meeting of July 8, 7:30 pm-9:30 pm, Library Meeting Room

Date: Mon, 23 Aug 2004 12:36:46 -0400  
To: town clerk <clerk@town.acton.ma.us>  
From: Susan Mitchell-Hardt <mitchell-hardt@comcast.net>  
Subject: Minutes for CPC Meeting of July 8, 7:30 pm-9:30 pm, Library Meeting Room  
Cc: cpc@town.acton.ma.us, rbartl@acton-ma.gov  
Bcc:  
X-Attachments:

**Minutes for CPC Meeting of July 8, 7:30 pm-9:30 pm, Library Meeting Room**

Attending: Walter Foster, Catherine Coleman, Susan Mitchell-Hardt, Peter Berry, Andy Magee, Matt Lundberg

Absent: Stacy Rogers, Mimi Herington, Peter Grover

Audience: Nancy Tavernier, John Ryder, Betty McManus, Mary Michelman, Tom Michelman (presenter), John Murray (presenter), Antonio Santoro

**1. Minutes:**

The minutes of 6/10/04 were unanimously approved as amended by Catherine Coleman and Walter Foster.

**Election of Officers:**

The CPC will defer the election of officers until the next CPC meeting on August 12, as the Selectmen need their reappointments confirmed at the Board of Selectmen's meeting of July 12.

**Membership:**

Stacy Rogers will represent the Planning Board; Matt Lundberg will represent the Recreation Commission, and after the ACHC meeting occurs on Aug. 16, Nancy Tavernier will represent from Housing.

**Upcoming Meetings:**

August 12  
Sept. 9  
Sept. 23  
Oct. 14  
Oct. 28

**New Business:**

Update from Walter re: the solution to the Friends of Leary Field's (FOLF) former

eligibility issue

Walter distributed a 34 page handout from FOLF explaining the proposal in detail.

Town Counsel approved the CPA eligibility of the proposal based on this submission. The aim of the FOLF proposal is to ask the CPC for \$250,000; \$250,000 from the schools and \$250,000 from private fundraising.

Town Counsel explained the criteria he is looking for regarding CPA eligibility. The project must be able to be characterized as involving "the acquisition, creation and preservation of land for recreational use" under the CPA.

The project will require a literal replacement of the entire field. The new field will extend to the track; it will be enlarged so that it can be used for soccer and lacrosse.

The new project must also show community benefit.

The Regional School and the Town will negotiate and enter into an intra-community agreement. The usage of the field will increase from 70 days to 250 days. The agreement guarantees that the additional usage goes to the community and town...not just to the school.

- The field will connect to the north parking lot to create better accessibility.

- FOLF will provide outreach to any group interested in using the field.

Public Comment: None

## **2. Meeting with John Murray re: Appropriations**

and the process for the CPC to recommend to Town Meeting the amount of money that can be appropriated in the spring.

John distributed a handout which explained significant topics such as

- The CPC Fund is credited with

- all monies collected from the surcharge; all proceeds from CPA borrowings; all CPA funds from the Commonwealth or other public source - except Town appropriations, etc.

- The CPC Fund is charged with

    All abatements and exemptions of CPA surcharges as granted by the Board of Assessors; all Town Meeting approved appropriations, etc.

- What funds can be legally appropriated by Town Meeting in each fiscal year?

    All monies set aside in reserve accounts by a prior Town Meeting; all expected receipts of the fiscal year, etc.

(See handout for details).

The handout also included a copy of the section of the General Laws of Mass. Title VII.

Cities, Towns and Districts, Chapter 44. Municipal Finance

Miscellaneous provisions: Chapter 44: Section 54 Investment of trust funds (see handout).

Town monies can only be invested in a savings bank. CPA funds are treated as a Trust Fund. The town has \$3 million of a trust fund invested in securities; legally, CPA funds could be invested that way. It's the Town's decision along with input from the CPC re: whether or not to invest in securities.

Palmer and Dodge Investment Advisors are now advising the town. Charges for investment advisors are done on a pro rated basis. The state has an approved list of securities.

Re: expected receipts. The CPC has what DOR will approve this October.

John Murray urged caution with respect to spending CPA funds until they have come in...such as the 100% state match which is expected in October and with respect to the abatements and exemptions of CPA surcharges as granted by the Board of Assessors. The amounts won't be known until after they are filed.

Brief discussion of bonding:

John Ryder commented that the CPA surcharge can't be removed unless the bond is satisfied, and he agrees we not spend anticipated revenues unless it's for something special.

Walter commented that if the CPC knows that a parcel of land will become available, the CPC could have a year or more to build up the fund.

**Public Comments:**

Nancy Tavernier asked how the prior discussion related to the \$25,000 Community Housing Fund.

John commented that the CPA treats the Community Housing Fund as trust funds for investment purposes. If the fund is in the bank, it can get interest; otherwise it's invested. If the ACHC gets the Town Meeting appropriation, but doesn't get the money, it stays in the general fund. Nancy could ask for the money to be put in the ACHC's fund or the ACHC could create a housing trust fund. The BoS have stated that it is the ACHC's decision to access the funds; they do not need approval.

**3. Meeting with Friends of the Bruce Freeman Rail Trail (BFRT) in Acton**

Tom Michelman discussed the nature of the trail, the feasibility study, that the Friends of the BFRT is a non-governmental organization, and they want to help facilitate the project. They won't be the applicant for CPA funds as the proposal will come from the BoS.

The BFRT will result from turning the Framingham-Lowell freight railroad line into a trail for bicycling, running, walking, cross-country skiing and horseback riding (along the Acton piece). The railroad right-of-way in Acton parallels Nashoba Brook for much of its 4.6 mile distance through Acton. If completed the trail would provide alternative access to Nara Park, the Nashoba Brook Conservation area, Veteran and Concord Road fields, Ice House Pond and many businesses on Great Road south of Rt. 27.

The BFRT is divided into three phases. Phase 1 is from Lowell to Rts. 4/225 in Westford; this phase is ready to go out to bid. Phase 2 consists of the trail south of Rt. 225; 1/4 mile in Westford; 1/4 mile in Carlisle and 4.6 miles in Acton; it extends through Concord and Sudbury; Phase 3 is from S. Sudbury ending in Framingham.

In 2004 the Town of Acton completed a feasibility study for the construction of the Acton section of the trail.

- There is support from Acton residents and the Selectmen.

**Friends of the BFRT:**

The Friends of the BFRT was formed in the fall of 2002. The committee has members from all of the BFRT towns, but current emphasis is on the Phase 2 stretch involving Acton, Concord, and Sudbury.

The Friends hold monthly meetings with speakers.

Members have commented on the feasibility study and attended Rt. 2 corridor advisory meetings.

The Friends plan to convert their organization into a 501C3; push for more speedy adoption of the rail trail and will try to understand the concerns of abutters and make sure those concerns are addressed.

In Concord the "Friends" have raised \$20,000 from private sources for their feasibility study and met with town officials.

The proposed trail is 10' wide, similar to that on the Cape; (the Minute Man bike trail is 12' wide). The first phase is 10' wide because that was more palatable to residents whose houses are behind the trail.

It is estimated that the construction cost will be \$4.4 million.

The design cost is an additional 10-20%.

The at-grade crossing necessary to cross Great Road is estimated to cost \$1 million as it will involve wetlands, retaining walls, etc.

For Acton to get the 90:10 match it needs to put money into design. The Town of Acton will need to provide a local match of \$440,000 to leverage the federal funding of \$4,400,000. It is hoped that CPA funding can provide a significant portion.

The Friends will help prepare grant application.

Segmenting the request into smaller parts will be helpful.

(Tom can email his presentation to be put in the minutes).

**Status of abutter support:**

Tom indicated that there have been letters in the local papers, and tables at town fairs re: the BFRT and no one has spoken out against it.

-Rex Lumber is a problem because they are illegally encroaching on the right of way, and have put up fences. Town staff has met with their representatives but have not reached an agreement.

- EOTC is 99% sure they own the right of way. It was suggested that the EOTC, who supports the BFRT, should be encouraged to give the town support in this issue.

John Ryder added that railroad easement research shows that right of way easements can only be extinguished by an act of the legislature if they are inter state and if the easements are intra state by an act of Congress. The Attorney General could send a letter to Rex Lumber for short money. The Environmental Office at the Attorney General's Office of Commonwealth could write re: the clean air issue.

Tom was asked what private sources have the "Friends" sought to leverage CPA funds.

Tom stated that they will need to energize their base and find out about other sources of funds. The "Friends" have put off fundraising until the end of the summer when they form a 501 C3. Concord has sent out letters requesting donations which were effective. The Acton "Friends" are preparing to do that as well. They are compiling a list of residents and business owners and merchants near to the rail trail and are laying the ground work.

It was suggested that the Water District has funds from W.R. Grace for water related issues.

It was pointed out that the ARRT submitted a concrete proposal with hard dollar figures, and they were admonished against returning for supplemental funds in the future.

It was recommended that the "Friends" use the ARRT proposal as a model as it was strong and well vetted; there was a chronology of what needs to be done when.

It was decided that the surface and width of the trail doesn't need to be uniform; Concord may have stone dust; Acton/asphalt; the trail could be 12' wide some places and 10' other places.

#### **4. Discussion Re: Letter to CP Fund Recipients**

The motion to send the letter as amended carried unanimously.

Roland will send the letter to the applicants for the T.J. O'Grady Skateboard Park, to the applicants for the Acton Memorial Library, to the applicants for the Historical Commission, to the applicants for the Acton Housing Authority, to the applicants for the ACHC, and to the Town of Acton, the entity who submitted the proposal for the ARRT, Davis Monument Restoration, etc.

For updates, the contact people for the specific projects can call the applicants and report back to the larger committee.

#### **5. Discussion Re: Next Steps**

##### **- Updating the CPA Plan**

Roland has updated the plan with information re: public bid information. Peter Berry and Catherine reviewed it, and it is in good shape for the CPC to review. CPC review of the plan will be an agenda item for the next meeting. The plan needs to be completed by September.

##### **- Schedule for Soliciting New Proposals**

Proposals will come in November.

A forum will be scheduled in the fall to kick off the proposal season. Needs will be assessed.

Peter commented that for next year's plan the CPC will need reports of the previous year - a sheet should show the fund balance and how it is allocated.

As taxes are collected, they are put into the fund. Peter asked to receive a balance statement each month or quarterly if it's not too much work.

Respectfully submitted:

Susan Mitchell-Hardt