

MEETING MINUTES

Town of Acton of Acton Community Preservation Committee

March 27, 2008
Acton Memorial Library

Attending: Ken Sghia-Hughes, Corrina Roman-Kreuze, Nancy Tavernier, Ed Starzec, Susan Mitchell-Hardt, Ron Schlegel, Walter Foster, Tory Beyer, Roland Bartl(Planning Department), Anne Forbes (HDC Observer,) Steve Noone (FinCom Observer) and Eric Lemaine (Boy Scout observer).

The meeting was called to order by Chairman, Ken Sghia-Hughes, at 7:40PM.

I. Minutes of 2/28/08 were approved as written.

II. Town Meeting presentation - Review

Ed and Ken reviewed the draft Town Meeting presentation. New features to be added are a slide on completed projects, a slide on the future funding challenges, and back-up slides for those proposals likely to be questioned.

Nancy suggested that the CPC be the one to "pull" the Exchange Hall proposal off the CPC consent list for discussion since several audience members have signaled their intent to do so. It would be better for the CPC to present the back up material first to possibly answer in advance many of the questions. The committee agreed and Ken will inform the Moderator of our plans.

It was noted that we will need to change the appropriation number in the motion at town meeting before voting should any of the items be reduced or eliminated on town meeting floor. It was determined that the Historic Preservation 10% would be met without the major request for funds for Exchange Hall.

In discussions about the Exchange Hall presentation, Anne Forbes was asked if the HDC planned to make a presentation or support statements. Anne informed the group that the HDC would not be able as a board to support the Exchange Hall request for funds, since it appears that a majority of their members are not in favor of the application. This was very disappointing and surprising news to the CPC. The Historical Commission will be

asked to speak in support. The slide that referenced the required HDC approval will be revised. Ken will prepare back-up slides on the Public Benefit, the specific CPA project components and prices. Ed will arrange for photos of the interior and more photos of the exterior from all sides.

The balance of the Town Meeting presentation was reviewed and revised when needed. Ed and Ken will review the final presentation and deliver it to Town Hall by the middle of the week of April 1.

III. New Business

A. Newton Case discussion

It was reported that the Community Preservation Coalition had decided not to file an amicus brief to the SJC. They have decided to use their energies in lobbying for legislative changes so the SJC ruling, whatever it may be, does not become the default solution. Walter felt this was a big mistake to leave such a critical ruling in the hands of the SJC, without CPA advocates speaking out, because of the risk of sweeping policy statements that could come from the SJC that might touch on other areas of the law. Because this is a fact-specific case, Walter felt we should be putting our facts in front of the SJC to help inform them about how communities are successfully using CPA funds for recreation projects and getting wide community support for such appropriations.

Questions were raised about the cost of Town Counsel and whether or not other towns had signed on from Anderson & Krieger's client base. There were also concerns that because the deadline for filing was April 21, there was perhaps not enough time. However because the way the SJC writes the decision is key to future use of these funds, the committee was persuaded. Walter offered to work with Town Counsel on research and drafting to help save some of the expenses and speed up the process. Therefore, the CPC voted unanimously the following: "The CPC recommends to the Board of Selectmen that the Town consider sponsoring an amicus brief to be prepared by Town Counsel and filed with the SJC in the CPA: Seideman v. Newton case and direct that it support Acton's interpretation of the Act when recommending CPC projects for appropriation."

Roland will submit the request to the Board of Selectmen for consideration at their March 31 meeting. Walter will be asked to attend and write up his argument in support of the action.

Roland will also attempt to get answers to the cost and other towns questions.

B. CPA Legislation Update

Walter reported that he and Lauren Rosenzweig met with Rep. Cory Atkins, Laura Schumacher of MAPC, and a representative from CHAPA in regard to the CPA legislation that has been further revised since the CPC last saw it in the summer. Rep. Atkins is very supportive of the legislation, all of her constituent towns are CPA communities but Concord has created some problems in regard to spending on recreation uses. There were questions about the revenue sources for cities but guaranteeing a 75% floor was a good trade-off. Without this legislative change, the state match can range from 30-65% depending on the surcharge level of each community. Other changes in the bill include a prohibition of artificial turf use of CPA funds, allowing CPA funds to be used on non-CPA purchased recreation properties, and allowing CPA funds to be used for software.

The bill is currently held up in a committee that has not had a chairman until this past week. It needs to be pushed out of the committee of Economic Development and Small Businesses. The reality is, this may not be the year to impose greater Registry of Deed fees since the legislature will be looking at all sources of revenues for state spending. Rep. Atkins will write a letter to the Committee urging the bill to be reported out. There will not be approval in time for the 2009 funding round however and it may not come until 2010.

C. Contact information to Coalition

The committee agreed that the CPC shell email address should be adequate for any outside contact to the committee since it is kept up to date and protects the personal email addresses of committee members.

No other new business was discussed.

Meeting schedule:

April 10 meeting was cancelled

Possibly a special meeting will be called before April 21 to approve the draft amicus brief. It may be April 17. We may not need the April 24 meeting especially since it is school vacation week.

Reminder: All CPC members should be in attendance during the Town Meeting CPC presentation (second night most likely) and will be asked to sit up front as a group.

Meeting adjourned at 9:35PM

Respectfully submitted.

Nancy Tavernier, secretary pro tem