

RECEIVED & FILED

JAN 25 2008

TOWN CLERK
ACTON

MEETING MINUTES

Town of Acton of Acton Community Preservation Committee

**January 10, 2008
Acton Memorial Library**

Attending: Tory Beyer, Ed Starzec, Ron Schlegel, Susan Mitchell-Hardt, Ken Sghia-Hughes, Jon Benson, Corrina Roman-Kreuze, Nancy Tavernier, Andy Magee, Steve Noone (FinCom Observer) and Roland Bartl (Planning Department).

Ken Sghia-Hughes called the meeting to order at 7:37PM.

Project application presentations were made by the Acton Housing Authority for \$136,000 in pre-development funds for its proposed affordable rental housing construction on Sachem Way, by the Acton Community Housing Corporation for \$15,000 to be added to its administrative fund and for \$200,000 to be added to its existing Community Housing Program Fund and by the Acton Open Space for \$500,000 to be set aside for open space acquisition and protection.

Robert Whittlesey, Chairman of the Acton Housing Authority, made the presentation on behalf of the AHA's request for \$136,000 in pre-development funds. These funds would be used for a feasibility analysis and pre-development work in connection with the AHA's proposed construction of new affordable rental housing units (for families below 80% of Acton's medium income) on the Authority's previously developed site on Sachem Way. The AHA has owned the land since 1984. The plan is to create twelve, two to three bedroom units, at a total cost (design and construction) of \$3,000,000 to \$3,500,000.

It is the opinion of Town Counsel that the project application is eligible for funding under the CPA as it is consistent with the creation and support of community housing.

Nancy Tavernier, Chairperson of the Acton Community Housing Corporation, made the presentation on behalf of the corporation's request for \$15,000 for its administrative fund. The ACHC is a quasi-public town board appointed by the Board of Selectmen pursuant to a home rule petition in 1996. In 2005 the CPC approved a like \$10,000 request which was intended to cover

two years of administrative costs. The fund balance is down to \$700 as of September 31, 2007. The administrative fund pays "for supplies, postage, bond insurance, miscellaneous expenses and legal expenses" incurred by the ACHC. All expenses are approved by the Board of Selectmen. The pending request is intended to "cover administrative expenses for up to three years".

It is the opinion of Town Counsel that the funding application is eligible under the CPA as it is in "support of community housing". Counsel noted in his opinion that "(The scope of the term "support" is particularly broad" and cited a 2004 opinion letter from the Massachusetts Department of Revenue that the administrative funds request subsequently approved by Town Meeting in 2005 was a permissible use of CPA funds.

Nancy Tavernier also made the presentation on behalf of the Acton Community Housing Corporation for \$200,000 (amended from the original request of \$100,000) to be added to the Community Housing Program Fund. The Program Fund is used to finance new affordable housing initiatives all of which must be approved by the Board of Selectmen. Uses of these funds will be to support the continuation of ACHC's Condo Buy-Down program begun in 2007, the possible partnering with other groups for a proposed addition of affordable "multi-family units to a property in the Kelley's Corner area", a condominium purchase and rental program in conjunction with the Acton Housing Authority and affordable housing buyer assistance programs.

It is the opinion of Town Counsel that the funding application is eligible for CPA funds as it is for "the acquisition, creation, preservation and support of community housing" subject to certain conditions. These conditions include permanent deed restrictions consistent with the relevant statutes, the initiatives are approved by the Board of Selectmen and that each housing initiative qualifies under the CPA's definition of "community housing".

Andy Magee made the presentation on behalf of the Acton Open Space Committee's 2008 request for a \$500,000 set aside for future open space acquisition and/or land preservation projects. The Town's approval of the 2008 request would bring the set aside fund to \$1,750,000. Andy commented with the set aside fund at this anticipated level the Open Space Committee would be in a position to compete for appropriate land parcels as they become available.

It is the opinion of Town Counsel that the funding application is consistent with the 10% annual spending/set aside for Open Space required under the CPA.

The Committee then turned its attention to the Exchange Hall application. Andy Magee reported there is no sense from the Board of Selectmen on the project other than that a funding request from a private applicant would be appropriate so long as there is a benefit to the Town. Steve Noone reported that two members of the Finance Committee objected to the use of public funds for a private venture along with other expressed concerns of the risks versus the benefits of the project. Steve added the Finance Committee would keep an open mind on the project. Comments from the Committee included the likely \$3,000,000+ price tag if the Town bought Exchange Hall and restored it and whether the proposed exterior work to the building (for which, in part, CPC funds are requested for a new roof and window restoration) as preservation standing alone would be enough of a public benefit for the Town's financial support of the project. The Committee will use the meeting on January 24 for a further discussion of the project and for Glen Berger to take further questions. Ken asked Ed Starzec and Walter Foster to come back to the Committee with their recommendations on the project application.

Being comfortable as to where we are in the process the Committee cancelled its meeting scheduled for February 21.

The Committee approved the minutes of the January 3 meeting and of the Exchange Hall site visit on January 5.

The Committee authorized Roland Bartl to sign off on the payment of the surge protectors for the Acton Authority Housing.

The next meeting of the Committee will be on Thursday, January 24 at 7:30PM.

The meeting was adjourned at 10:10PM.

Jon Benson