

Eva Bowen

From: Susan Mitchell-Hardt
Sent: Tuesday, October 14, 2003 10:00 AM
To: Clerk Department
Cc: Community Preservation Committee; Roland Bartl
Subject: Amended Minutes for CPC Meeting of Sept. 18, 2003 7:30-9:45 pm, Library Meeting Room



Dear Ed,

Below please find the amended minutes for the CPC Meeting of 9/18/03. These are to supercede the minutes filed on 10/3/03....Susan

Minutes for CPC Meeting of Sept. 18, 2003 7:30-9:45 pm, Library Meeting Room

Attending: Peter Berry, Walter Foster, Mimi Herington, Chris Schaffner, Alison Gallagher, Andy Magee, Joe Nagle, Catherine Coleman, Peter Grover, Carol Todzia, Susan Mitchell-Hardt, Roland Bartl

Members of the Public: Steve Desey, Nancy Tavernier, Jane Shurtleff, Cheryl Egan, David Stone, Dore Hunter, Anne Forbes, Laurie Ullman, Jane Ceraso, Betty McManus, Gretchen Lawton, Michaela Moran, Peter Darlow, Jeff Rogers, Belle Choate, Brewster Conant, Evelyn Olschewski, Charlie Kadlec, Dennis Ahern, Bob Whittlesey, Arthur Gagne, Paul Turner, Tom Hanlon, Ruth Hanlon

I. Public Hearing on Draft Community Preservation Plan

a. The hearing was held to answer questions and obtain public comments on the draft Community Preservation Plan.

Peter Berry briefly summarized the Act. He stated that the CPC expects 100% state matching funds this year which will give Acton about \$950,000 in CP funds for the first year.

The CPC will publish a revised draft of the plan incorporating comments received during the hearing or received by email (cpc@acton-ma.gov) by 9/25/03.

b. Introduction of Committee Members

Carol Todzias was recently appointed as an associate member of the CPC and attended for her first time; she has lived in Acton for 1 year.

2. Public Comments

Funding structures:

Jane Shurtleff (Boxboro) spoke re: the TJ O'Grady Skatepark: She wanted to know if the following structures were allowable under the Act: obstacles on a skateboard park; a covered structure to shelter a vending machine and pay phones; Port A Potty.

Peter Berry stated that the CPA is only 2 years old. Some of the guidelines and some of the language is ambiguous. The CPC does not necessarily have a definitive answer.

Andy Magee noted that this question was likely generated by p 5 of the draft Plan which states that CP funds may not be spent to build gymnasiums, stadiums, or any similar structure.

Jane inquired about the minimum and a maximum amount one can spend.

Walter Foster stated that in the first year there will be \$950,000 in the fund. Each year 10% must be spent or otherwise designated for open space, affordable housing and historic preservation each. After

that, +/- \$600,000 will be left and Recreation is eligible to participate in spending that pool of funds.

Jane Shurtleff: She would like more details on writing a specific proposal. She asked if Alison Gallagher will serve as advisor to those writing Recreation related proposals and what her role is.

Alison said she will try to help. She noted that her role as the recreation representative is not structured yet as the CPC is still are evolving.

Susan Mitchell-Hardt stated that the Bedford CPC had funded a skateboard park and that Jane might want to look at their skateboard park and use their proposal for ideas and/or as a model.

Multiple levels of funding:

The skateboard park needs various levels of funding - would it be better to ask for maximum funding, mid range or a low level of dollars.

Peter Berry stated that the DOR Guidelines are on the website and that the statewide Coalition also has a website - both are good resources.

Andy Magee requested that if she is proposing multiple levels of spending, to give us her preference in order, much as required under the plan for multiple projects proposed by a single entity. The more information she gives the committee and the more understandable the proposal, the better the chances for success.

Public Bid/Proposal Deadline Question

Nancy Tavernier: All projects fall under the Procurement Act. Do they need to be bid?

Peter Berry: The CPC has not thought that through completely. We aren't project managers - we are the bankers.

We're not sure if they have to follow public bid law. It's a legal question and we don't know.

Nancy Tavernier: The reason she asks is that the deadline is Nov. 14 - how firm is that? What if a proposal to put Affordable Housing on town owned land came up? - we won't have the numbers by the 14th, but would have a concept. Will you consider a concept if the detail comes before Town Meeting vote?

Peter Berry: Yes. It's possible to approve a concept and finalize the numbers later.

Issue of seed money for potential projects

There was discussion of the need for, and benefits of, approving the creation of a seed money fund, which could be spent for such things as legal work, feasibility studies, or initial funding on potential projects that arise during the year. For example, if a Chapter 61 property becomes available, one might need to begin to act before the next Town Meeting. A mechanism was proposed wherein seed funds might be expended and later re-paid to the seed fund when/if the full project was approved. Funds for conservation projects might be set aside at Town Meeting and then spent later without going back to Town Meeting.

Could seed money be used as down payment on a P & S or used to purchase property? The CPC will look into that.

Nancy Tavernier, ACHC: It's critical to have feasibility studies. Some portion of the 10% or \$95,000 could be used to hire consultants for feasibility studies, etc. Think about using the initial 10% to be used as resource money - especially in the affordable housing area.

Andy Magee: We need someone to make that proposal to us - we will not be proposing projects, but rather reviewing them.

Town creation of housing projects includes all the studies and preliminary work that goes into it.

Fund private individuals with taxpayer funds?

David Stone: CPA projects are separate from the town. It sounds like we fund private individuals with taxpayer funds. Shouldn't the town own it at the end of the day?

Walter Foster: Yes: Most times the town will own it.

In the case of affordable housing town owned units will go to private individuals. With open space, the town will own the land.

Andy Magee: We recommend that applicants look at town planning documents such as the Master Plan before writing proposals. By definition if they choose projects that meet the goals of the Master Plan, the project will meet the interests of the town.

Availability of Planning Documents

David Stone: Where are the planning documents referenced available?

Answer: The Open Space and Recreation Plan is available from the Rec. Dept.; the Master Plan is available from Planning Dept. and Library. The Community Preservation Plan is available from the library and online on the town website and the W. Acton Library.

Weighted criteria in decision process?

Jane Ceraso:

When you put together the recreation criteria did you consider putting in weighting factors to facilitate the decision process?

Walter Foster: Yes. We chose not to go that way this year. We might consider it in the future.

Purchase land in surrounding town to benefit our water supply?

Jane Ceraso commented that half of our zone 2 land is in the surrounding towns. If there were a parcel that would benefit our water quality and was in a surrounding town, could it be purchased with CP funds?

Peter: Yes - there is precedent for that.

Minor editorial changes to plan

Jane Ceraso: p 17, 3rd from last bullet Jane would like to add, "the project utilizes,...currently owned Town *"or Water District"* open space... On the last page, 19 she would like to add under "Include the following" Project cost estimation.

CP Funding to preserve and display historic artifacts?

Dennis Ahern, Central St. He pointed out that the library has an extensive collection of Civil War artifacts that aren't on display because proper display space hasn't been constructed.

He wants to know if CP funds could be used to preserve the artifacts.

Peter Berry: The Act is not clear. We asked the Coalition who stated that if the actual artifacts are used, and they want to build a display case, its probably eligible for CP funding.

Roland Bartl: If we can't answer by 11/14, submit the proposal, and we'll consider it.

Anne Forbes: What if a borderline project passes at Town Meeting and DOR refuses funding?

Where is the ultimate decision made?

Walter Foster: DOR gives guidelines - there is an annual reporting mechanism. We also have Town Counsel who will also vet borderline projects. We can also ask for advice from the CPA Coalition. We would vet the storing of archival documents to make sure it is eligible.

Peter Berry: DOR issued opinion letters to certain towns.

Bob Whittlesey: **He wanted to know if a criterion for a project was leveraging additional funds.** The answer was yes.

Anne Forbes raised the issue of Accountability:

There was considerable discussion as to how the CPC would monitor the use of funds, to ensure that spending was for approved uses and that excess funds would be returned. Walter Foster stated that projects going over budget would not create any obligation for the Town because CPA funds are separate. David Stone asked if this would be the case for projects that would be owned or operated by the Town upon completion.

Charlie Kadlec: He anticipates the **need for legal help with wording of the articles.**

Peter Berry noted that up to 5% of CP funds can be designated for administrative costs. These funds could go toward paying for Town Counsel as well as for town staff, assessors, etc.

Cheryl Egan: **Would the CPC choose the best option for the skateboard park or would the town choose?**

Peter Berry: Recommendations are made only by the committee. New project proposals from the floor aren't allowed.

Bob Whittlesey: **Is the statute clear that these are grants?**

Peter Berry: He considers these as grants. Someone could propose a mortgage down payment at low interest rates creating a revolving fund that would replenish itself.

Orphaned Town Projects: Anne Forbes asked about Town Projects, such as the Davis Monument, that have been ready to go for years, but haven't been funded owing to budget constraints. Walter Foster said that the Board of Selectmen would go through the list of potential projects and set priorities so that the Town Departments won't all be lining up with competing requests. Joe Nagle pointed out that CPA funds are not intended to pay for things that would otherwise be part of the Town budget, such as routine maintenance.

Anne Forbes: How do public advocacy groups get involved?

Walter Foster: Go out and leverage funding. We'll work with other interest groups. For example, rely on recommendations of people with past interest to sort through priorities, and across priorities.

3. a. Warrant article for administrative expenses

The CPC had considered including a warrant article for CPA funding of its administrative expenses at the upcoming Special Town Meeting. However, the Committee decided to wait until the regular Town Meeting. They chose to wait because the Special Town Meeting may prove controversial, and staff has

not yet determined the amounts needed for administrative expenses.

b. Communication and Publicity

Strategies for getting the word out that we are accepting proposals:

- Meet with the editor of the Beacon
- Publish sections of the Plan in the Beacon.
- Guest columns may helpful.
- Beacon full page interview with someone speaking on the subject.
- Booths at various town events.

The CPC agreed to put out literature on the CPC on the "Community Organizations" table at Acton Day. Catherine will give literature to Rec. Dept. for Acton Day Display.

Outreach, particularly in the first year is important. Catherine Coleman reserved a table for Oktoberfest where we expect to gain the highest visibility.

Andy volunteered to make posters - he can enlarge photographs or other documents and mount them, on large pieces of foam board.

c. Approval of Minutes

Walter Foster pointed out that "misconstrue" is a more appropriate word than "taint" - on p 2. Roland had submitted changes earlier which were agreed on.

The minutes of 9/4/03 were approved as amended.

4. Other business

Minor editorial comments:

The CPC will collect all minor editorial comments over the course of the next week and go over the them in the Oct. 2 meeting.

Strategy for dealing with the items raised tonight:

Walter tracked the issues raised - he'll type them and he'll note where they should go for comment.

NEXT MEETING:

Thursday, Oct. 2, 7:30, Town Hall, Rm 204.

Respectfully submitted: Susan Mitchell-Hardt