

Minutes
Town of Acton Community Preservation Committee
September 22, 2016
Acton Memorial Library

Members Present: Bill Alesbury (Vice-Chair), Peter Berry, Tory Beyer, Dean Charter (Associate), Walter Foster (Chair), Amy Green, Susan Mitchell-Hardt, Ken Sghia-Hughes, Joe Will (Clerk)

Others Present: Roland Bartl (Acton Planning Director), Roland Bourdon (Finance Committee observer), Jack Gardner (ABRHS student), Hellick Rierson (ABRHS student)

Walter opened the meeting at 7:32 PM.

I. Community Preservation Plan 2017 Public Hearing

- Jack and Hellick identified themselves as Acton-Boxborough Regional High School students who are attending this meeting to fulfill a requirement of their political science class. Walter explained what a Public Hearing is about. Roland Bartl explained that for this Public Hearing, the Community Preservation Plan 2017 has been posted as a draft for public review. The Plan will incorporate any revisions that result from this meeting and then be reposted as final. Everyone on the Town email shell will be notified of it and be reminded that CPA 2017 project proposals are due November 14.

There were no comments on the Plan from the public.

II. Community Preservation Plan 2017 – Finalize, Ratify, Vote for publication

- It was moved, seconded, and, with no further discussion, voted unanimously to approve the Community Preservation Plan 2017.

III. Citizen Concerns

- The CPC reviewed for Jack and Hellick several projects that the CPA has funded in Acton in recent years. Roland Bartl explained what the CPA process would be in the months following the November 14 deadline for project proposal submissions.

IV. Minutes of September 8, 2016

- Per Amy, in the “53 River Street” section, make the following two changes:
 1. From “Tom pointed out that the land is considered riverfront, which would give Acton lots of leeway in terms of what the Town could do with it.”

To “Tom pointed out that the land is considered riverfront, which would not give Acton lots of leeway in terms of what the Town could do with it.”

- 2. From “At the mill site itself, there's no riverfront area.”

To “At the mill site itself, there may be no riverfront area.”

It was moved, seconded, and voted unanimously to approve the minutes as revised.

V. Project Reports and Updates

- Any idea yet of State CPA funding? Roland Bartl: No number yet. Once we have the number, we will send it to the CPC. Walter believes that we will find out in October.
- The amoeba-shaped bowl at the T.J. O'Grady Skatepark is close to being finished. A crowd-funding website has been set up for the Skatepark with a goal of \$20K. Funds matching the \$20K have been promised.
- The Bruce Freeman Rail Trail (BFRT) bridge on 2A is getting its ramps with retaining walls so that work is highly visible. The Assabet River Rail Trail (ARRT) is moving forward. The BFRT completion date is sometime next summer, but completion probably will drag into the fall. The ARRT is one year behind that. Roland Bartl outlined the history and funding of the BFRT. Will BFRT and ARRT ever be connected? The Town has a significant \$ grant for this purpose. One possibility would be a Main Street bike path that would connect South Acton (ARRT) and East Acton (BFRT).
- Peter provided an update on the litigation related to the Acton Congregational Church and the South Acton Congregational Church CPA projects. It went to Superior Court last Wednesday. The parties expect a very-considered decision in a week or so. Town will negotiate with Town's insurance company for recovering costs it has incurred. If Town wins, it is assumed that the other side will appeal and Town will have to decide about spending to address the appeal. If other side wins, Town will have to decide on an appeal. It probably would be another year before there would be a decision from a higher court. Peter will share court outcomes with the CPC, of course. Whatever happens, this case will give guidelines to CPCs across the state to help w/guidance re future projects.
- Update on the Lazaro property: The Board of Selectmen (BoS) voted to use \$902K of free cash for the purchase and it's on the 10/05 Special Town Meeting warrant. The BoS recommends it. The Finance Committee voted to not recommend it, expressing a number of concerns similar to concerns that had been expressed by the CPC. However, can Town purchase land with free cash and then be reimbursed with CPA \$ at a later date? Yes, and the CPC would be supportive of such a follow-up to a Town purchase of this property. If the CPA \$ were designated for Open Space, then General Municipal land acquired by Town would have to have a Conservation Restriction. Town Counsel will help guide the CPC if and when this comes up.
- CPA-funded work at the Discovery Museums is close to being done.
- The Windsor Green window project has requested reimbursement. There may be more work going on.

VI. Fall 2016 meeting schedule

- The CPC will cancel both October meetings and keep the 11/03 meeting date as a placeholder. If no meeting seems needed then, the CPC will cancel 11/03 and meet next on 11/17, the first meeting date after the 11/14 proposal submission deadline.

VII. Administrative Updates

- Amy's "appointment by Committee" (the Conservation Commission) is the actual appointment, i.e., the BoS did not have to vote to appoint Amy.

- The Town Bylaw (April, 2014) that applies to associate members and formal voting:

1.3 . . . The chairperson of the Committee may designate any . . . associate member to sit on the Committee for any particular matter(s) in the case of an absence, inability to act, or conflict of interest on the part of any member at-large, or in the event of a vacancy in a member at-large position on the Committee, until said vacancy is filled.

If a quorum issue arises, an associate member can sit on the Committee to establish a quorum. But the only way an associate member can vote is if s/he is sitting on the Committee in place of a member-at-large.

Ken sees an issue with this: You can use an associate member to establish a quorum. When a Committee has a quorum, it can conduct its business. If an associate member is appointed for quorum purposes but not in the place of a member-at-large, the associate could not vote on any substantive issue. In effect, there could be a vote without a quorum.

If this situation would occur, the Committee could choose to not go down this path. It could discuss without having any vote. The Committee could have an entire meeting without taking a vote.

8:33 PM — It was moved, seconded, and voted unanimously to adjourn.