

**Minutes**  
**Town of Acton Community Preservation Committee (CPC)**  
**January 26, 2017**  
**Town Hall Room 204**

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

Others Present: Roland Bourdon (Acton Finance Committee), Kristen Guichard (Acton Assistant Planner), Bob Ingram (West Acton Baptist Church (WABC) Board of Trustees Treasurer), Nancy Emerson Lombardo (WABC Board of Trustees Co-Chair), Linda O'Neil (WABC Board of Trustees Co-Chair), Curran Schiefelbein (Acton Cooperative School Parent Board Chair)

Walter opened the meeting at 7:32 PM.

**I. Citizen Concerns**

- none

**II. Minutes of January 19, 2017**

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

**III. West Acton Baptist Church - Request to apply remaining funding from Pressed Steel Ceiling toward replacement of insulation and knob and tube wiring in attic**

- Walter cited the Town Meeting (TM) warrant related to the WABC ceiling preservation and opined that the WABC proposed use of the remaining ceiling funds does not fall within the scope of the warrant article. Whereas use of project funds cannot go outside what is passed at TM, the remaining funds should be turned back to the CPC. A proper way for WABC to proceed on this would be to file a new proposal for replacement of insulation and of the knob and tube wiring. Although “it’s very late in the game for this season,” the CPC can waive the notice deadline and include such a project with this year’s proposals. In addition to CPC approval of a new proposal, this would also require approval at the April TM, which does not fit into the WABC timeline for completing the work very soon. This raises the question, could WABC do the work before any final approval and be funded after the fact, or would it, in order to receive the funding, have to wait for TM approval before beginning the work? An answer is unclear and Kristen will look into this.

With such a new proposal, the applicant would not be bound to request no more than the turn-back amount, nor would the applicant be bound to submit a single proposal, although WABC suggests that it would be one proposal.

Also, WABC should remain aware that ongoing litigation might not allow any dispersal of \$ for such a church-related project until the litigation is settled. (Re the current litigation, Peter suggests that if WABC has a project, then bring it before the

CPC. Hopefully the litigation will be resolved by the end of the summer. If the Town should lose, it might not be able to release any \$ to WABC. If work would be done before the litigation is resolved, the Town could release the \$. There could be questions about the litigation at Town Meeting.)

Can the CPC really accept a proposal after the proposal deadline? Walter is comfortable with the CPC voting to accept a proposal that is submitted after the deadline. If the WABC would act promptly on this, then the CPC can vote to accept the proposal at its 02/09 meeting and include it in its deliberations on how to use CPA funds for 2017.

Nancy indicated and Curran affirmed that WABC has the full support of the Acton Cooperative School (housed in the WABC) on this. Curran expressed gratitude to the WABC and the Town for their support. She said that the School's Parent Board has voted to allocate \$4K to the fire safety project, subject to a confirming vote from the parents.

#### **IV. Recreation Department - Request to apply remaining funding from Skate Bowl project toward Skate Plaza construction**

- Walter reiterated his WABC reasoning that the remaining funds should be turned back to the CPC unless the proposed work is within the TM-approved Skate Bowl project wording. As with the WABC, the Recreation Department could submit an application based on this turnback of \$, but, unlike the WABC needing to address an “emergency” (the knob and tube wiring), there would seem to be no need for a rush to do so. To that point, some on the CPC feel that Acton should have the Boxborough Recreation Commission try again to gain Boxborough CPA funding for the shortfall of the Skate Plaza funding.

As a result of the above two requests for re-application of unused funds and the CPC's response, Walter suggests that the CPC come up with a policy that would discourage applicants from requesting re-application of unused funds; that such unused funds should automatically come back to the CPC, either to the general fund or to fulfill a required set-aside.

#### **V. Project Deliberations**

- Walter went over process for the evening. He pointed out that following this meeting, Kristen will update the spreadsheet of \$ information, and then distribute it to the committee. Prior to the 02/09 meeting, each committee member should fill out his/her column and send the amounts to Planning so that it can have a spreadsheet showing everyone's preferences to serve as a basis for the 02/09 deliberations.

What about the \$85K Wright Hill debt service — 2017 is its first year for funding? As voted in the Wright Hill warrant article, the CPA pays for the debt service. \$ can be voted from the CPA general fund or allocated to the existing Open Space set-aside account.

- It was moved (Walter), seconded, and, with no additional discussion, voted unanimously to allocate Wright Hill bond payment to the Open Space set-aside account.

- The Community Housing Program Fund:

In its project-application review, Town Counsel raises a concern over the Acton Community Housing Corporation's reference to unspecified new programs that presumably could receive funding as part of this project. Any such program has to be known because it has to be possible for the CPC to determine that it is within the scope of the project. Ken will ask Nancy Tavernier to clarify this. Nancy can respond to the CPC via email.

- RHSO Housing Services:

This request is for two-year funding. Funding it for one year could release \$ for other projects. On the other hand, funding it for two years could result in one-year (in advance) funding requests in subsequent years.

- Open Space Set-Aside:

Some committee members fund this "last" with what remains after other funding is determined, but a target amount might be about one-third of the available CPA funds.

- Jones Tavern:

In response to Town Counsel, the CPC determined that painting the building is preservation, not maintenance, therefore falling within CPA guidelines for funding. Town Counsel also expressed concern about the building's historical preservation restriction. It is believed that the restriction is "in perpetuity." Kristen will check this and share what she finds with Town Counsel for its review.

- Carriage House Restoration:

The public purpose of the project is unclear; there appears to be no leveraging, and the historic standing of the building is unclear. CPC support seems unlikely this year. However, Mr. Cook could come back to the CPC with a carriage-house proposal that would address these issues. If he were to re-submit, it could be helpful for him to seek CPC input/advice to help in writing a proposal. Susan can take this message to Mr. Cook.

- Morrison Farm Well:

What exactly is the problem that's trying to be solved here? The Recreation Department has said that there is enough water for the gardens from the present system. It is not clear what the Town's "return on investment would be".

Per Dean: The Acton Water District (AWD) did come to the Town repeatedly to separate the Morrison Farm Community Garden from the house water. In general, AWD prefers that outside-irrigation water comes from a well, and not be water that's been treated for drinking. While a well might not make economic sense per se, there is also a capacity problem. The water line into the house is very small. Right now, there is not enough capacity for "peak demand" from the gardeners. Also, it would be impossible to have the house used for another purpose and also run the garden watering system.

On the other hand, there is no determination yet by the Town for use of the house. Peter reviewed some of the history of the search for a use. Currently Town staff is charged with coming up with ideas, but such a search has been going on now for many years.

Ken researched a similar proposal in 2013 and noted that the request then was for \$20K. The 2017 request is for \$28K, a 40% increase in 4 years.

- NARA Parking Lot Expansion:

While the upper parking lot makes a lot of sense (as part of the improvements driven by the Sports Pavilion), the lower parking lot seems to be pure infrastructure and paying for it with CPA funds should be questioned. CPA funds helped build the parking lot at the Arboretum, but that funding was also for something else (the kiosk). It is not yet clear what will be happening at NARA re the Bruce Freeman Rail Trail. A Master Plan for NARA might help, but the CPC doesn't have it yet. Perhaps just half of this project (the upper lot) should be funded now and the CPC wait and see what happens with the Rail Trail. Also, it is not clear how much support there is for a parking lot taking the place of the sand volleyball court. Joe will ask Cathy Fochtman for her thoughts on splitting this project. Cathy can respond by email to the CPC if she chooses.

- **NARA Picnic Pavilion Restroom**

Whereas this is an important project but very expensive (an unfortunate fact for public structures), can the proposal be adapted to provide more than two restrooms at not too great an increase in cost? This would be done for more than just the ADA. It is felt that the Recreation Department and the CPC can work with each other to improve this proposal.

Peter will run this by Cathy Fochtman. Per Peter, restrooms will be part of the NARA Master Plan, and the CPC will feel much better about NARA projects in general when it knows everything that would be "coming down the pike."

- **CPA Program Support:**

The CPC is about \$30K short of covering the Town's costs.

## **VI. Recaptures From Previous Years**

- **Kristen walked through recaptures:**

South Acton Congregational Church (SACC) is turning back its entire \$15K CPA funding from 2016. After the project was funded, the SACC received a much lower bid for its project. SACC does not want to take on the obligation of an historic restriction for a small \$ grant. Of the \$15K turnback, \$12,728.10 must go into the historic set aside to meet CPA requirements for 2016. The balance \$2271.90 will go to the general fund.

Acton Woman's Club is returning \$101.11.

Acton Recreation is returning \$6,507.93 from its Elm Street Playground project, and \$24,543.38 from its Skate Bowl project, as discussed above.

WABC is returning \$25K (estimated) from its Ceiling Restoration project, as discussed above.

- It was moved (Walter), seconded, and voted unanimously to recapture the funds from the five projects as described above with a total of \$71,152.42 of which \$58,424.32 will go to the general fund and \$12,728.10 to historic preservation set-aside. (Note that \$25K of the total is an estimate.)

Walter asked that Town Staff send an email to WABC and to Cathy Fochtman about this vote.

## **VII. Administrative Updates**

- **Reminder:** The task for each Committee member for the 02/09 meeting is to fill out his/her column in the spreadsheet and get the amounts to Planning by 02/07.

Planning will provide the CPC with a populated spreadsheet for use at the 02/09 meeting. It should include \$71K of recaptured funds. If the CPC doesn't finalize funding on 02/09, it also has a meeting scheduled for 02/23.

- Kristen will send a reminder for the spreadsheet deadline.
- Walter updated the Annual Report of the CPC and e-mailed it to CPC members today. To speed things along, send any comments on the Annual Report to Kristen or Roland Bartl. If we need a discussion, let Walter know and he'll hold it over to the next meeting.
- Town staff should let WABC know that any new project should be submitted by Monday 02/06 so that it can be publicly available and also on the CPC 02/09 meeting agenda.
- Boston adopted the CPA this year, so next year the state reimbursement will take a big Boston hit. The latest information from the Community Preservation Coalition describes a means — increasing recording fees — for the State to provide a 50% first-round distribution. It is in the Legislature.
- Ken is resigning from the CPC. The next meeting will most likely be his last, but he will try to stay on through 4/1, possibly by phone.

10:08 PM — It was moved, seconded, and voted unanimously to adjourn.