

2/23/09

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Christine Joyce

From: Peter J. Berry [pjberry@comcast.net]
Sent: Tuesday, February 17, 2009 8:10 PM
To: Board of Selectmen
Cc: Community Preservation Committee
Subject: Fwd: Updates from last meeting

FYI - The CPC warrent recommendations should be on the agenda for the next meeting.

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----- Forwarded Message -----

From: "Roland Bartl" <rbartl@acton-ma.gov>
To: "Community Preservation Committee" <cpc@acton-ma.gov>
Sent: Tuesday, February 17, 2009 5:56:19 PM GMT -05:00 US/Canada Eastern
Subject: Updates from last meeting

Attached are the newest spreadsheet and draft articles based on preliminary decision made at the 2/12 meeting.

- The Windsor Building is zeroed out.
- I have added a historic preservation set-aside funding appropriation to make up the shortfall to the 10% minimum requirement that resulted from removal of the Windsor Building project. Less than \$2,000 was needed, but I took the liberty of writing in \$10,000. This will provide enough of a cushion in case the separate 4/5 vote article for the civil war exhibit falls through.
- The summary item L of the main article reflects Nancy Tavernier's update that she had sent me over the weekend. Thank you, Nancy.

Please review and let me know if you find any errors, see need for improvement, etc. However, just e-mail me directly without copy to the committee so that there is no violation of the open meeting law.

Thanks -
Roland Bartl, AICP
Planning Director
472 Main Street
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2/20/2009

ARTICLE CPA
(Majority vote)

**COMMUNITY PRESERVATION PROGRAM
DIRECT APPROPRIATIONS FROM FUND BALANCE**

To see if the Town will vote to appropriate or set aside for later appropriation, and to authorize the Board of Selectmen and the Town Manager to expend or set aside, from the FY 2008 Community Preservation Fund balance as set forth herein, the following amounts for community preservation purposes, with such expenditures to be subject to conditions listed in the Article's Summary and to be further specified in award letters from the Community Preservation Committee, with each item considered a separate appropriation:

FY 2008 COMMUNITY PRESERVATION FUND BALANCE	
FY 2008 Community Preservation Fund Revenues	
Community Preservation Fund Surcharge Collected in FY 2008	\$ 708,031.00
State Community Preservation Trust Fund Receipt, October 2008	\$ 473,581.00
Other FY 2008 Community Preservation Fund Components	
Interest Earned in FY 2008	\$ 101,371.00
Recapture of unspent previous years' project appropriations	\$ 15,751.00
Unencumbered FY 2008 Fund Balance	\$ 236,687.00
Total - FY 2008 Community Preservation Fund Balance	\$ 1,535,421.00
APPROPRIATIONS	
Purpose	Recommended Amounts
Set Aside Appropriations for	
A. Acquisition, creation, and preservation of open space, and its rehabilitation and restoration	\$ 425,000.00
B. Acquisition, preservation, rehabilitation and restoration of historic resources	\$ 10,000.00
Spending Appropriations	
C. Civil War Exhibit - Enhancement	\$ 7,842.00
D. Historic Streetscape Restoration - Shade Trees in Historic Districts	\$ 10,000.00
E. 17 Woodbury Lane – Schematic Design for Reuse	\$ 20,000.00
F. Wright-Holden Farmlands - MHC Area Form	\$ 1,000.00
G. Town Cemeteries - National Register of Historic Places Listing	\$ 28,000.00
H. John Robbins House - Preservation Work	\$ 42,075.00
I. Pre-development Funds (Sachem Way), Acton Housing Authority	\$ 152,000.00
J. Capital Fund, Acton Housing Authority	\$ 150,000.00
K. Community Housing Program Fund	\$ 50,000.00
Administrative Spending Appropriation	
L. A fund for CPC direct expenses and for reimbursing the Town of Acton for administrative services and operating expenses provided in support of the Community Preservation Committee	\$ 59,080.00
Total Recommended Appropriations from FY 2008 Community Preservation Fund Balance	\$ 954,997.00
Remaining FY 2008 fund balance	\$ 580,424.00

And, whereas Massachusetts General Law, Chapter 44B requires that the Town appropriate for spending, or set-aside for future spending, from the 2008 Community Preservation Fund Revenues at least 10% for open space, 10% for historic preservation, and 10% for community housing.

And, whereas the recommended appropriations for open space, historic preservation, and community housing each meet or exceed 10% of the 2008 Community Preservation Fund Revenues.

And, whereas Town Meeting may vote to delete or reduce any of the recommended amounts.

Therefore, in the event that recommended amounts are deleted or reduced, vote to appropriate as a set-aside for future spending from the FY 2008 Community Preservation Fund Balance the minimum necessary amounts to allocate not less than 10% of the FY 2008 Community Preservation Fund Revenues for open space (\$118,161.20), not less than 10% of the FY 2008 Community Preservation Fund Revenues for historic preservation (\$118,161.20), and not less than 10% of the FY 2008 Community Preservation Fund Revenues (\$118,161.20) for community housing.

, or take any other action relative thereto.

SUMMARY

This article would make appropriations from the Town's Community Preservation Fund. All items listed are recommended by the Community Preservation Committee.

In 2002, the Town adopted the Community Preservation Act, Massachusetts General Laws Chapter 44B (the Act). This established Acton's Community Preservation Fund through a 1.5% annual surcharge on real estate property tax bills with certain exemptions, and made the Town eligible to receive annually additional monies from the Massachusetts Community Preservation Trust Fund, which are added to the Town's Community Preservation Fund. Under the Act, the Community Preservation Fund may be used to acquire, create and preserve open space; to acquire, preserve, rehabilitate, and restore historic resources; to acquire, create, preserve and support community housing; to acquire, create and preserve land for recreational use; to rehabilitate and restore open space, land for recreational use and community housing that is acquired or created with CPA funds; and for certain related expenses in support of the foregoing. Community housing is defined as housing for low- and moderate-income individuals and families. This is the sixth year of appropriations from Acton's Community Preservation Fund.

Local adoption of the Community Preservation Act established the Acton Community Preservation Committee as a statutory committee under the Act (Chapter S of the Bylaws of the Town of Acton). The Community Preservation Committee's duties under the law are to study the needs, possibilities, resources, and preferences of the Town regarding community preservation; to engage in an open and public process of deliberation and consult with other Town Boards and Committees; and to make recommendations to Town Meeting for appropriations from the Community Preservation Fund.

In September 2008, the Community Preservation Committee published its 2009 Community Preservation Plan with guidelines for the submission of projects seeking funding. The Committee received fourteen applications for funding of proposed items and projects. The Committee reviewed all proposals, interviewed proponents, and solicited legal opinions on the proposals to help evaluate their eligibility under the Act. Two proposals were withdrawn. This article represents the Committee's recommendation for appropriations from the available Community Preservation Fund

balance. All recommended amounts are “up-to” spending limits. Savings, if any, will be available for future appropriations. All proposed projects are recommended for funding, whereby some of the projects are recommended at different funding levels than the proponents had originally requested. As in previous years the recommended appropriations include a set-aside for open space. The recommended appropriations leave a remaining Community Preservation Fund balance of \$350,424.00 that is available for future Town Meeting appropriations in all eligible funding categories under the Act.

The Act states that Town Meeting may delete or reduce any of the recommended appropriations, but may not add new items or increase the recommended appropriations. The Act also requires that the Community Preservation Committee recommends and that Town Meeting appropriates in each fiscal year the spending of not less than 10% of the annual revenues in the Community Preservation Fund for each of the following: open space (not including land for active recreation purposes); historic resources; and community housing. The Committee may also recommend the taking by the Town of interest in real property (not recommended this year), the borrowing of funds for Community Preservation (not recommended this year), and appropriation of not more than 5% of the annual revenues of the Community Preservation Fund for the Committee’s administrative and operating expenses.

A. Open Space Set-Aside

This item adds \$350,000 to the existing set-aside fund from which Town Meeting may appropriate spending in future years for the purpose of acquisition, creation, and preservation of open space. With this appropriation the balance in the open space set-aside fund will be \$1,370,000.

Recommendations:	<u>Board of Selectmen</u>	<u>Finance Committee</u>
	Recommended	Recommended

B. Set-Aside for Historic Resources

This item sets aside a fund from which Town Meeting may appropriate spending in future years for the purpose of acquiring, preserving, rehabilitating, and restoring historic resources. The number of historic resource projects proposed this year, and their funding amounts do not total 10% of the required spending level for this year as the Act requires. The recommended set-aside amount ensures compliance with the Act.

Recommendations:	<u>Board of Selectmen</u>	<u>Finance Committee</u>
	Recommended	Recommended

C. Civil War Exhibit - Enhancement

The Annual Town Meeting in 2005 appropriated \$30,150 of Community Preservation funds “to restore the original Acton Memorial Library building so as to once again allow the display of Civil War era documents and artifacts” that the library had in storage. At that time, the Acton Memorial Library Trustees had committed \$4,000 of additional funding to this project.

The exhibit “Not Afraid to Go” opened on Patriots Day 2008 in the original wing of the library. However it is not fully completed. The project experienced substantial cost overruns due to scope expansion, additional curatorial work, additional study and planning, a larger exhibit area, more display panels, more lighting, and changes in lighting design to meet code requirement. To fund the

shortfall, the Library raised nearly \$7,000 from the Friends of the Acton Libraries, the Acton Lions Club, the Acton Memorial Library Foundation, and the Acton Rotary Club. Nevertheless, several items for completion were deferred.

This supplemental \$7,842 appropriation will provide for the following items to the exhibit:

- One additional audio station with programming (equipment and narration, recording, sound effects, editing, etc.).
- Replacing failed computer that provides visitors with more in-depth information and databases on Civil War veterans.
- Added lighting in two currently under-lit areas of the exhibit.
- Enlargement of certain battle picture graphics.
- Improved signage leading to the exhibit.

See also separate article in this warrant for the appropriation from the Community Preservation Fund to pay for previously incurred but unfunded costs related to this exhibit.

Recommendations:	<u>Board of Selectmen</u>	<u>Finance Committee</u>
	Recommended	Recommended

D. Historic Streetscape Restoration - Shade Trees in Historic Districts

This project seeks to restore the historic streetscapes of the Acton Center, South Acton, and West Acton Historic Districts. The recommended \$10,000 appropriation will fund the planting of between 30 and 40 new public shade trees on publically owned land, street rights of way, or on adjacent private properties as provided by Massachusetts General Law Chapter 87 where no public space is available. The Town anticipates an in-kind contribution for labor in the vicinity of \$20,000.

Recommendations:	<u>Board of Selectmen</u>	<u>Finance Committee</u>
	Recommended	Recommended

E. 17 Woodbury Lane – Schematic Design for Reuse

This \$20,000 item will fund a preliminary architectural study for the reuse of the Town owned building at 17 Woodbury Lane located in the Acton Center Historic District. The building is one of the few remaining examples of a late 18th/early 19th century small cottage. In light of its poor current condition, significant further delays in repair and restoration will result in serious cost increases for that work.

The Community Preservation Committee recommends funding this item under the condition that the project not proceed until the completion of the Town-wide space needs study with one or more recommended uses for the building. Following this, the Town can without further delay proceed with the schematic reuse design study for this building and prepare design schemes and cost estimates for the restoration and reuse of the building.

Recommendations:	<u>Board of Selectmen</u>	<u>Finance Committee</u>
	Recommended	Recommended

F. Wright-Holden Farmlands - MHC Area Form

This \$1,000 item will fund the preparation of a Massachusetts Historical Commission (MHC) "Area Form" by a professional preservation consultant for the farmhouse and approximately 55 acres of adjacent farmland at 50 Massachusetts Avenue. The property is located on the north side of Route 2 near the Concord town line. The Massachusetts Department of Corrections has control of

architectural services, engineering, surveying, environmental study and designs, and legal and financial consulting services. The Executive Director of the Housing Authority estimates its in-kind contributions at \$20,000 for project coordination and oversight.

This project failed to obtain Town Meeting approval in 2008 largely due to concerns that the Housing Authority may not have conducted sufficient outreach to its neighbors. Since then the Housing Authority invited all surrounding neighbors to two outreach meetings regarding this proposed project on May 7, 2008 and September 23, 2008. Three neighbors attended who are direct abutters. Recognizing that their questions and concerns could not be addressed with complete certainty until the Pre-development study is completed, the Housing Authority has invited the neighbors to participate in their design committee process once Community Preservation funds have been secured to begin the design phase.

Recommendations: **Board of Selectmen** **Finance Committee**
 Recommended **Recommended**

J. Capital Fund, Acton Housing Authority

The Acton Housing Authority owns and maintains 142 low-income housing units for families, the elderly, and persons with disabilities. Most of them were built in the 1980's and have reached the age when preservation work becomes necessary. This fund will support the Housing Authority with needed capital to perform such preservation work. High on the need list are roof replacements and significant structural restoration work on decks/porches at the 68 Windsor Avenue complex. The Housing Authority has received capital funding from Community Preservation funds in previous years to replace heating systems, roofs, gutters, windows, and doors, to install smoke eliminator equipment, and to do similar types of projects. The Housing Authority has other capital needs related to building maintenance work and upgrades that are not eligible under the Community Preservation Act as currently written. The recommended \$150,000 appropriation is limited for spending on preservation work projects specifically listed herein. Any work project not listed that the Housing Authority may wish to undertake shall be vetted by the Town for funding eligibility under the Act before any funds from this appropriation are committed to it.

Recommendations: **Board of Selectmen** **Finance Committee**
 Recommended **Recommended**

L. Community Housing Program Fund

ACHC is requesting \$50,000 to be added to the existing Community Housing Program Fund, established in 2004, for "the acquisition, creation, preservation, and support of community housing in the Town of Acton."

The Program Fund is used to finance new affordable housing initiatives. This set-aside fund is retained by the ACHC and earmarked for appropriate affordable housing activities recommended by the ACHC or any other entity approved by the Board of Selectmen. Expenditures from this Fund must be approved by the Board of Selectmen under the ACHC powers established through Home Rule petition (Chapter 143 of the Acts of 1996, § 1)

The value of such a Housing Fund is in the broad definition for its use that allows the ACHC, or other affordable housing groups, to react to opportunities as they are identified and not to restrict it to specific projects or activities. The Program Fund is used only for allowable CPA affordable housing purposes to provide a diversity of affordable housing opportunities for Acton residents,

their adult children, and employees who work for and in the Town, as well as new residents from outside of Acton.

With this request, ACHC proposes to continue current programs and initiate new ones. Current programs include the Condo Buy-Down program which began in 2007. This Program applies to existing housing units. The sellers receive a payment at the time of closing to lower (buy-down) the selling price to a pre-determined affordable level so the unit could be sold to income eligible households. In exchange, a deed restriction is placed on the property to keep the unit affordable into perpetuity and the unit is added to the Town's Subsidized Housing Unit Count. A second program allows ACHC to partner with the Acton Housing Authority to buy existing condo units for their low income rental program. A combination of CPA, AHA, and housing gift funds is used to fund these acquisitions. Two units were acquired in the past year for the Housing Authority.

ACHC has also developed a Down Payment and Closing Cost Assistance Program this year and has assisted 7 first time homebuyers purchase a home, deed restricted affordable housing units in Acton. Funds may be used for sponsorship of the First Time Homebuyer Courses, foreclosure prevention, and credit counseling programs. The ACHC is also prepared to assist with capital improvements when existing affordable housing units come up for resale.

Community Housing Program Fund initiatives funded in whole or in part with CPA funds shall be subject to the following conditions and restrictions:

- Any community housing created shall qualify under the statutory definition of "community housing" as "low and moderate income housing for individuals and families, including low or moderate income senior housing".
- Any community housing created shall be subject to a permanent deed restriction that ensures the subsidized housing remains affordable in perpetuity and that the unit or units are added to the Town's Subsidized Housing Unit Count.

Recommendations:	<u>Board of Selectmen</u>	<u>Finance Committee</u>
	Recommended	Recommended

M. Administrative and Operating Expenses

The requested appropriation is 5% of the FY 2008 revenues in the Community Preservation Fund as provided in the Act (local surcharge and State trust fund receipts). The funding is to help the Town with administrative and legal expenses incurred in connection with the support of the Community Preservation Committee and Program, and to pay for the Community Preservation Committee's direct expenses such as the annual membership in the Massachusetts Community Preservation Coalition.

Recommendations:	<u>Board of Selectmen</u>	<u>Finance Committee</u>
	Recommended	Recommended

Direct inquiries to: Roland Bartl, AICP, Town Planner
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Selectman assigned: _____: bos@acton-ma.gov

ARTICLE CPA
(Four-fifth vote required)

**COMMUNITY PRESERVATION PROGRAM
DIRECT APPROPRIATIONS FROM FUND BALANCE
FOR EXPENSES INCURRED IN PRIOR FISCAL YEAR**

To see if the Town will vote to appropriate and to authorize the Board of Selectmen and the Town Manager to expend from the FY 2008 Community Preservation Fund balance \$7,458.00 to pay for expenses incurred by the Acton Memorial Library when executing the Library Restoration/Civil War Exhibit project supported with Community Preservation Funds in 2005, or take any other action relative thereto.

SUMMARY

This article would make supplemental appropriations from the Town's Community Preservation Fund to pay for expenses incurred in a prior fiscal year. This requires approval by a four-fifths vote by the annual Town Meeting (G. L. c. 44, § 64). If approved, this appropriation reduces the remaining FY 2008 fund balance after all appropriations made in the regular Community Preservation Program appropriations article by \$7,458.00 to \$572,966.00.

The Acton Memorial Library Trustees have explained that the Civil War Exhibit has experienced significant cost overruns (see also regular Community Preservation Program appropriations article). This includes work that was completed and for which no funds were available to pay. According to the Trustees the exhibit designer, Spokeshave Design, has deferred billing for this work with a consideration for donating it to the project. Since "the cost increase was in no way the responsibility of Spokeshave Design, the Library Trustees believe they should be fairly compensated". The Community Preservation Committee recommends this appropriation. Under the rules of the Community Preservation Act Town Meeting can reduce or reject this appropriation, but it cannot increase it.

Recommendations:	<u>Board of Selectmen</u>	<u>Finance Committee</u>
	Recommended	Recommended

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