

9/10/12

Christine Joyce

From: Steve Ledoux
Sent: Wednesday, August 15, 2012 2:56 PM
To: Stephen Anderson
Cc: Kevin D. Batt; Nina Pickering Cook; Christine Joyce
Subject: RE: Acton/GenSel - Miracle Field

Steve:

I just met with the Miracle Field folks.

I would appreciate it if you could draft forms for items 1,2,3, and 4. BTW. Earlier, the BoS amended their naming policy to allow for gifts from a charitable foundation.

Our plan is to have these matter in front of the BoS on 9/10/12.

Opening day for the Miracle League is 9/15.

Steven L Ledoux
Town Manager
472 Main Street
Acton, MA 01720
Telephone (978) 929-6611

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-----Original Message-----

From: Stephen D. Anderson [mailto:SAnderson@AndersonKreiger.com]
Sent: Sunday, August 12, 2012 1:43 PM
To: Steve Ledoux
Cc: Kevin D. Batt; Nina Pickering Cook
Subject: RE: Acton/GenSel - Miracle Field

Steve,

In answer to the questions below, and subject to checking with Kevin who had worked on the Miracle Field matter along the way, here's a list of the steps that need to be taken pursuant to Article 34 from the 2012 Annual Town Meeting before the Miracle Field's opening day (9/15/12), if the Selectmen/Town have not already done so:

- (1) The Selectmen should make a "surplus designation" under G.L. c. 40, s. 15A approving the transfer from the municipal use for which it was acquired to the Miracle Field use a portion of Parcel 30-1 on Town Atlas Map B-5 consisting of approximately 41,000 square feet more or less as determined by the Selectmen (the "Property"). (We can draft the form if you like.)
- (2) The Selectmen should vote to accept on such terms and conditions as the Selectmen may determine the gift to the Town of the Miracle Field (and any other gifts associated with the Miracle Field such as grants of funds, fixtures, products, equipment, labor, services, structures and improvements for the development on the Property). (We can draft the form of vote if you like.)

(3) If appropriate, the Selectmen should enter into a License Agreement with the Miracle League of Massachusetts (a 501(c)(3) corporation) concerning the use, care and maintenance of the Miracle Field. (We can draft the form of License Agreement if you like, using as a starting point other License Agreements to which the Town is a party and other Community/Miracle Field agreements provided by the proponents of the project. Whoever drafts the agreement needs to be attentive to Article 97 and procurement issues that might otherwise arise if the agreement is not properly structured.)

(4) The Selectmen should address naming rights to the field under the amended Policy on Naming Town Facilities circulated in May of 2012 in connection with the Steinberg-Lalli Foundation's proposed donation of \$100,000 for the Miracle Field. (We can draft the form of vote if you like.)

(5) The Town should ensure that the Town's insurance, the Miracle League of Massachusetts' insurance and any releases regularly required by the Town for use of its facilities are in place.

(6) The Town should ensure that any temporary and permanent sponsor signage at the field is approved through the ordinary channels applicable to such signage at town-owned fields. (I assume this is an administrative matter on which you do not need our assistance.)

Steve

-----Original Message-----

From: Steve Ledoux [mailto:sledoux@acton-ma.gov]
Sent: Thursday, August 09, 2012 10:03 AM
To: Stephen D. Anderson
Subject: Fwd: Administrative Miracle Field items

Thoughts

Sent from my iPhone. Please pardon brevity or typos.

Begin forwarded message:

From: Lauren Richardt <laurenrichardt@yahoo.com<mailto:laurenrichardt@yahoo.com>>
Date: August 9, 2012 4:15:14 AM GMT+02:00
To: Mike Gowing <mikeg.acton@gmail.com<mailto:mikeg.acton@gmail.com>>, Tom Tidman <ttidman@acton-ma.gov<mailto:ttidman@acton-ma.gov>>, Steve Ledoux <sledoux@acton-ma.gov<mailto:sledoux@acton-ma.gov>>, Catherine Fochtman <cfochtman@acton-ma.gov<mailto:cfochtman@acton-ma.gov>>
Cc: andy richardt <andy_richardt@yahoo.com<mailto:andy_richardt@yahoo.com>>
Subject: Administrative Miracle Field items

Hi all -

There are some administrative items relating to the Miracle Field that we need to be thinking about as I think they need to occur before Opening Day (which is scheduled for September 15th). Although getting the field itself built is definitely our first priority, the items below are also important to opening day. Here they are:

* Do we need to enter into a usage agreement for the field between the town and the Miracle League before Opening Day? I believe that is with the Rec Dept. I'm assuming we'll need this before we can play there.

* It is my understanding that we will need approval from the BOS to hang our sponsor signs (which will be temporary vinyl banners) on the outfield fence. Am I right? Is there time enough to get the approval of this on the next BOS agenda?

* I'm assuming if we need approval for the temporary sponsor signage, then we'll need BOS approval for any permanent signs with the field name. We are still in the discussion process about what the permanent signs would be. It may only be a plaque - not sure if we would need approval for that.

* I've seen the BOS approve monetary gifts for things like the playground and sponsored events. Will we have to get similar approval for "gifting" the field to the town and will this need to be done before Opening Day?

Thanks so much!
Lauren

Christine Joyce

From: Steve Ledoux
Sent: Monday, August 20, 2012 8:05 AM
To: Christine Joyce
Subject: FW: Acton/GenSel - Miracle Field
Attachments: BOS Miracle Field Motion - Draft 8-19-12 (A01647! Agreement - Draft 8-19-12 (A0164752).DOC

For 9/10 agenda

Steven L Ledoux
Town Manager
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When writing or corresponding, please be aware that the Secretary of State I record and, therefore, may not be kept confidential.

From: Stephen D. Anderson [<mailto:SAnderson@AndersonKreiger.com>]
Sent: Sunday, August 19, 2012 2:29 PM
To: Steve Ledoux; Corey York
Cc: Kevin D. Batt; Nina Pickering Cook
Subject: Acton/GenSel - Miracle Field

Steve,

For the 9/10/12 BOS meeting, I have attached first drafts of the following concerning the Miracle Field:

1. The Motion by the BOS to declare the relevant land surplus, to accept the gift of the Miracle Field improvements, to authorize the execution of the License Agreement, and to allow the naming of the field after Joseph Lalli during the term of the License; and
2. The License Agreement itself.

I need a plan from Corey to attach to the License showing the licensed premises.

After the relevant Town officials review the draft and we make any necessary corrections, we should meet with the Miracle Field folks to go over it. Perhaps we can schedule that for office hours on 8/30/12.

I assume that the donor is drafting some kind of a letter or presentation of the gift. I would be happy to review that draft. In the alternative, we can draft a simple Grant Agreement to memorialize the gift. Let me know your preference.

Steve

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Once
NINA/Steve
Sends in
Revised
materials
Replace in
packet