

11/11 (5)

INTEROFFICE MEMORANDUM

TO: DON P. JOHNSON, TOWN MANAGER
FROM: ROBERT C. CRAIG, FIRE CHIEF
SUBJECT: UPDATE – CPA FUNDING REQUEST – RESTORATION OF ANTIQUE FIRE APPARATUS
DATE: 10/29/04
CC:

Don:

Following is updated information regarding our CPA application. As you are aware I am proceeding to complete a CPA funding application for the restoration of two antique fire engines owned by the Town. Per the Board of Selectmen's request I did consult with Town Counsel and have received a favorable reply as to the conformity of our application with CPA guidelines. I have also contacted the Chairman of the Acton Historical Commission who has indicated his initial interest in the project. He will be addressing this request with the full membership of the Commission for their review and endorsement of the project as part of our application.

At my recent presentation made to the Board of Selectmen I was encouraged to seek additional outside funding donations which I am in the process of doing. Therefore, I would revise my initial request to a lower request figure of \$20,000 of CPA funding for this project.

Finally I would like to highlight the fact that in addition to the historical significance of the project is also a significant educational aspect. I would envision that this apparatus, once restored, will be used for many parades, public exhibitions, school programs, fire prevention/public education programs and of course our Open House in conjunction with Oktoberfest. Further, once a new fire station is constructed in North Acton I would envision having the apparatus bay space to more readily display this significant historical apparatus in the Acton Center fire station. Once this restoration project is completed this apparatus will be something that the Town can treasure, enjoy and utilize for many years to come.

I hope this update is satisfactory to continue the support initially expressed by the Board of Selectmen regarding the CPA funding request.

Respectfully submitted,



Robert C. Craig

Fire Chief

Don Johnson

From: Stephen Anderson
Sent: Wednesday, October 27, 2004 3:54 PM
To: Don Johnson; John Murray
Cc: Daniel C. Hill
Subject: FW: Acton/CPA: Restoration and preservation of historic fire trucks

John:

I am forwarding Dan's email indicating the absence of definitive guidance on what constitutes a "historical resource" other than the express language of the statute.

Reviewing the web site Dan mentions, I find inter alia the following CPA-supported projects. You will be most interested in the Bedford one.

Steve

Community Preservation Act Project Description

Municipality: Bedford

Year: 2004

Type: Historic Preservation

Amount: \$125,000.

Description: For preservation and restoration of a historic diesel rail car.

Municipality: Dartmouth

Year: 2003

Type: Historic Preservation

Amount: \$ 25,000.

Description: To move the Gulf Hill Ice Cream Bucket done in the ideosyncratic style of architecture to a park down the road and use as part of an existing concession stand.

Municipality: Hopkinton

Year: 2005 Type: Historic Preservation

Amount: \$ 20,000.

Description: To preserve and restore that fountain on the Town Common.

Municipality: North Andover

Year: 2003

Type: Historic Preservation

Amount: \$260,000.

Description: To replace the water main and add a sprinkler system to the historic Stevens Estate.

Municipality: Rowley

Year: 2003

Type: Historic Preservation

Amount: \$ 15,000.

Description: For restoration of a historic mill wheel in town and an engineering study of the oldest stone bridge of its kind in North America.

> -----Original Message-----

> From: Daniel C. Hill

> Sent: Wednesday, October 27, 2004 3:32 PM

> To: Stephen D. Anderson

> Subject: RE: Acton/CPA: Restoration and preservation of historic fire trucks

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> Steve:

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> I checked the annotated case law under the Community Preservation Act,

> and the Department of Revenue Division of Local Services guidance, and there is still no helpful guidance on what constitutes a "historical resource" other than the express language of the statute.

>
> This is a website that features a list of historical preservation
> projects undertaken with CPA funds. These projects were not
> necessarily approved by DOR, however, and should not be taken as
> examples of permitted uses of CPA funds.
> <http://www.communitypreservation.org/ProjectsSearchResults.cfm>

>
> Let me know if you need anything further, or if you'd like me to call
> DOR for an informal opinion. Absent any official guidance on this
> question, I agree with your opinion below.

>
> -Dan

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> -----Original Message-----

> From: Stephen D. Anderson
> Sent: Sunday, October 24, 2004 4:53 PM
> To: Don P. Johnson (E-mail); John Murray III (E-mail)
> Cc: Daniel C. Hill
> Subject: Acton/CPA: Restoration and preservation of historic fire trucks

>
> John:

>
> I understand that you and Fire Chief Craig are interested in the
> restoration and preservation of one or more historic 1920-1930's era fire truck(s) using
> CPA funds. The Town will use the restored fire trucks for historic education for
> children.

>
> In general, the CPA permits municipalities to use CPA funds for the
> following purposes (emphasis added):

>
> (a) the acquisition, creation and preservation of open space;
> (b) the acquisition, preservation, rehabilitation and
> restoration of historic resources;
> (c) the acquisition, creation and preservation of land for recreational use;
> (d) the creation, preservation and support of community housing;
> (e) the rehabilitation and restoration of open space, land for
> recreational use and community housing that is acquired or created using monies from the
> fund.

> G.L. c. 44B, § 5. Under a recent amendment to the CPA, the historical resources being
> renovated need not be acquired with CPA funds. G.L. c. 44B, > § 5.

> The term "historic resources" is defined by the CPA as "a building, structure,
> vessel or real property that is listed or eligible for listing on the state register of
> historic places or has been determined by the local historic preservation commission to be
> significant in the history, archeology, architecture or culture of a city or town." G.L.
> c. 44B, § 2. The term "preservation" is defined by the CPA to mean "protection of
> personal or real property from injury, harm or destruction, but not including
> maintenance."

> If the 1920-1930's era fire trucks are determined by the local historic preservation
> commission to be significant in the Town's history and culture, the question is whether
> each fire truck qualifies as a "vessel" under the CPA. That term is not defined in the
> CPA. The Oxford English Dictionary defines "vessel" to include not only a "ship or boat"
> but also a "craft," an "airship," and a "hovercraft." The term "craft" in turn is defined
> to include "vehicles" and "equipment" in addition to a "vessel."

> Based on these definitions and the purpose of the CPA to restore and preserve
> historically significant resources including personal property, the Acton CPC would be
> acting within its discretion if it were to vote to recommend to the Town Meeting an
> appropriation of funds to restore and preserve the historically significant fire truck(s)
> as long as the local historic commission determines the fire truck(s) to be significant to
> Acton's history and culture.

> As the CPA is open to another interpretation on the point, I am
> asking my associate Dan Hill to research whether there are any cases
> or guidance documents to support or refute this interpretation.

> Stephen D. Anderson ANDERSON & KREIGER
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