

**ARTICLE 32**  
(Majority vote)

**COMMUNITY PRESERVATION PROGRAM –  
DIRECT APPROPRIATIONS FROM FUND BALANCES**

To see if the Town will vote to appropriate or set aside for later appropriation, and to authorize and direct the Board of Selectmen and the Town Manager to expend or set aside, from the FY 2011 Community Preservation Fund balances as set forth herein, the amounts listed below 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;

<b>FY 2011 COMMUNITY PRESERVATION FUND BALANCES</b>	
<b>FY 2011 Community Preservation Fund Revenues</b>	
Community Preservation Fund Surcharge Collected in FY 2011	\$ 756,534.23
State Community Preservation Trust Fund Receipt, October 2011	\$ 202,313.00
<b>Other FY 2011 Community Preservation Fund Components</b>	
Interest Earned in FY 2011	\$ 21,994.22
Recapture of unspent previous years’ project appropriations (2006, 2007, and 2008)	\$ 83,832.50
Unencumbered FY 2011 Fund Balance	\$ 324,593.03
<b>Total - FY 2011 Community Preservation Fund Balance</b>	<b>\$ 1,389,266.98</b>
<b>FY 2011 Open Space Set-Aside</b>	
Set-Aside Fund Balance from appropriations for the Acquisition, Creation, and Preservation of Open Space, and its Rehabilitation and Restoration	\$ 1,395,000.00
Recapture of unspent previous years’ project appropriations (2010 – Caouette land purchase) to the Set-Aside Fund Balance for the Acquisition, Creation, and Preservation of Open Space, and its Rehabilitation and Restoration	\$ 182,537.12
<b>Total FY 2011 Open Space Set-Aside Fund Balance</b>	<b>\$ 1,577,537.12</b>
<b>APPROPRIATIONS</b>	
<b>Purposes</b>	<b>Recommended Amounts</b>
<b>Set Aside Appropriations for</b>	
<b>A.</b> Acquisition, Creation, and Preservation of Open Space, and its Rehabilitation and Restoration	\$ 500,000.00
<b>B.</b> Acquisition, Preservation, Rehabilitation and Restoration of Historic Resources; compensates for under-spending in 2007	\$ 528.00
<b>Spending Appropriations</b>	
<b>C.</b> 468 Main Street - Access for Persons with Disabilities	\$ 70,000.00
<b>D.</b> Memorial Library - Window Restoration	\$ 12,000.00
<b>E.</b> Town Hall - Tower Clock Restoration	\$ 14,000.00
<b>F.</b> Regional Housing Services Program	\$ 40,000.00
<b>G.</b> Development Funds - Sachem Way	\$ 300,000.00
<b>H.</b> T.J. O’Grady Skate Park - Improvements	\$ 210,000.00

<b>Administrative Spending Appropriation</b>	
I. 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	\$ 47,942.00
<b>Total Recommended Appropriations from FY 2011 Community Preservation Fund Balance and Current Historic Set-Aside Fund</b>	<b>\$ 1,194,470.00</b>
<b>Resulting Fund Balances</b>	
Remaining FY 2011 Community Preservation Fund Balance	\$ 194,797.00
Resulting Balance in the Set-Aside Fund for the Acquisition, Creation, and Preservation of Open Space, and its Rehabilitation and Restoration	\$ 2,077,537.12
Resulting Balance in the Set-Aside Fund for the Acquisition, Preservation, Rehabilitation and Restoration of Historic Resources	\$ 528.00

, or take any other action relative thereto;

And, whereas Massachusetts General Laws, Chapter 44B requires that the Town appropriate for spending, or set-aside for future spending, from the 2011 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 2011 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 2011 Community Preservation Fund Balance the minimum necessary amounts to allocate not less than 10% of the FY 2011 Community Preservation Fund Revenues for open space (\$95,884.73), not less than 10% of the FY 2011 Community Preservation Fund Revenues for historic preservation (\$95,884.73), not less than 10% of the FY 2011 Community Preservation Fund Revenues (\$95,884.73) for community housing, or take any other action relative thereto.

#### **SUMMARY**

This article would make appropriations from the Town's Community Preservation Fund and from the Town's Set-Aside Fund for the Acquisition, Preservation, Rehabilitation and Restoration of Historic Resources. All items listed are recommended by the Community Preservation Committee.

In 2002, the Town adopted the Community Preservation Act, Massachusetts General Laws Chapter 44B (CPA). 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 CPA, 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 were acquired or created with Community Preservation 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 eighth year of appropriations from Acton's Community Preservation Fund.

Local adoption of the CPA 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 2011, the Community Preservation Committee published its 2012 Community Preservation Plan with guidelines for the submission of projects seeking funding. The Committee received ten proposals for funding of proposed projects and programs. The Committee reviewed all proposals, interviewed proponents, and solicited legal opinions on the proposals to help evaluate their eligibility under the Act. This article represents the Committee's recommendation for appropriations for seven of the proposed projects and programs from the available Community Preservation Fund balance. The recommended funding levels may differ from the amounts requested by the projects' proponents and some of the proposed projects have undergone significant transformations from how they were proposed originally. All recommended amounts are "up-to" spending limits. Savings, if any, will be available for future appropriations. 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 \$194,797.00 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 eminent domain 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 an appropriation of not more than 5% of the annual revenues of the Community Preservation Fund for the Committee's administrative and operating expenses (\$47,942.00 recommended).

A total of \$83,832.50 has been recaptured from unspent Community Preservation project appropriations from prior years and closed to the Community Preservation Fund as follows: 2006 (Housing Authority Rental Housing Plan and Feasibility Study - \$3,787.50), 2007 (Archeological Reconnaissance Survey - \$528.00) and 2008 (Elm Street Playground - \$75,000; and Theater III Window Restoration - \$4,517.00). In addition, \$182,537.12 left over from the Simeone-Caouette land purchase has been recaptured to the Open Space Set-Aside Fund.

**A. Open Space Set-Aside**

This item adds \$500,000 to the existing set-aside fund from which Town Meeting, with the recommendation of the Community Preservation Committee, may appropriate spending in the future 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 \$2,077,537.12. This balance includes \$182,537.12 that remained unused after the Simeone-Caouette land purchase for which \$1,000,000 had been appropriated.

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

**B. Historic Preservation Set-Aside**

The recapture of \$528.00 in unspent CPA funds previously appropriated in 2007 for the Archeological Reconnaissance Survey would put the Town \$528.00 below the 10% statutory minimum threshold for either spending or setting aside for later spending CPA funds for historic preservation, rehabilitation and restoration purposes in that year. To make up this shortfall, the Committee recommends a \$528.00 appropriation to the Set-Aside Fund for the Acquisition, Preservation, Rehabilitation, and Restoration of Historic Resources.

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

**C. 468 Main Street - Access for Persons with Disabilities**

The property at 468 Main Street (between Woodbury Lane and Newtown Road) is a 1913 bungalow. The Town of Acton owns the property and uses it for offices for the Municipal Properties Department and Veteran’s Services. The building also houses a small meeting room. It is located in the Acton Center Local Historic District, which is listed on the National Register of Historic Places. The Community Preservation Act specifically qualifies “Improvements to comply with the Americans with Disabilities Act and other federal, state or local building or access codes” as rehabilitation of historic resources for which CPA funding may be used.

The recommended \$70,000 total appropriation funds the installation of a wheelchair lift at the bungalow. Funding of this project is subject to the issuance of a Certificate of Appropriateness or Determination of Non-Applicability from the Acton Historic District Commission.

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

**D. Memorial Library – Window Restoration**

The Acton Memorial Library is located at 486 Main Street in the Acton Center Local Historic District, which is listed on the National Register of Historic Places. The recommended \$12,000 appropriation funds the restoration of 18 original wood windows in the attic area and fireplace room of the 1889 wing of the Acton Memorial Library. This wing serves as Acton’s Civil War Memorial, and the attic and fireplace room had been designated as meeting space for the Grand Army of the Republic. It is located adjacent to the Civil War exhibit area and now used for quiet study. Funding of this project is subject to the issuance of a Certificate of Appropriateness or Determination of Non-Applicability from the Acton Historic District Commission.

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

**E. Town Hall - Tower Clock Restoration**

Town Hall is located at 472 Main Street in the Acton Center Local Historic District, which is listed on the National Register of Historic Places. Town Hall was built in 1864. The tower clock on the Town Hall steeple is an iconic part of the Acton Center Historic District. The faces of the clock are no longer operational. The recommended \$14,000 appropriation will fund the restoration of the tower clock replacing the hands, electronic movement, and controller. Funding of this project is subject to the issuance of a Certificate of Appropriateness or Determination of Non-Applicability from the Acton Historic District Commission.

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

**F. Regional Housing Services Program**

The Acton Community Housing Corporation (“ACHC”) has requested CPA funds for participation in a Regional Housing Services Program to assist the ACHC in meeting the administrative, compliance and monitoring needs for the Town’s existing affordable housing units and to further regional housing goals and efforts. The recommended \$40,000 appropriation will cover the fees of a two-year contract with the regional program. If approved, the Town of Acton will enter into an Inter-Municipal Agreement with the other program member communities for a two-year renewable term.

The Regional Housing Services Office is located in Sudbury, affiliated with the Sudbury Housing Trust, and managed by the Sudbury Community Housing Coordinator. The Office assists with affordable housing matters in the program’s founding towns - Bedford, Concord, Lexington, Lincoln, Sudbury, and Weston. This innovative regional approach to managing the administration of local affordable housing programs was developed with the assistance of the Metropolitan Area Planning Council (MAPC), funded by the State’s District Local Technical Assistance (DLTA) program, and launched on July 1, 2011.

During the term of the agreement, the Regional Housing Services Office will provide core housing services to Acton totaling at least 300 hours per year with the specifics of services negotiated by the ACHC, and under its direct supervision. Such services may include, for instance, compliance-monitoring of affordable housing units; updating and reconciliation of local housing inventory records with those maintained by the Department of Housing and Community Development; project-review assistance; creation and maintenance of ready-buyer lists; and conducting affordable housing lotteries.

CPA funds can be used for the “preservation and support of community housing.” Where this funding request is for a program whose goal is to assist the local housing programs, ensure compliance with restrictive covenants and further affordable housing solutions for the region, it is preserving and supporting community housing as provided in the Act.

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

**G. Development Funds - Sachem Way**

The Acton Housing Authority proposes to construct 12 affordable rental units for families below 80% of the area’s median income on 2.5 acres of its property on Sachem Way. This recommended \$300,000 will assist the Housing Authority to carry out the project on this site. It supplements previous CPA appropriations for this project: \$250,000 in development funding in 2010; and \$152,000 in 2009 for pre-development planning and design.

The project is now fully permitted. The Housing Authority anticipates the beginning of construction in 2012. The updated development budget is \$4,415,000. This is a \$300,000 increase from the previous 2010 estimate, which is largely due to required project design changes and updated actual costs for recent

similar projects in the region. The Housing Authority has continued its conversations with the abutters as development plans have been refined and updated.

The project is highly leveraged with significantly larger funding commitments from the Massachusetts Housing Partnership and the Department of Housing and Community Development. While most funding arrangements from other sources appear to be in place, as with the 2010 CPA funding, the funds in this appropriation shall be held as a pledge and shall not be released to the Housing Authority until it has obtained commitments from the State and all other sources for sufficient funding to complete the project.

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

**H. T.J. O’Grady Skate Park - Improvements**

The existing T.J. O’Grady Skate Park at 66 Hayward Road was acquired and created with leveraged CPA funding from 2004. The Town owns the land that the Skate Park is on. This recommended \$210,000 appropriation will fund the addition of a beginners’ skate bowl where the current parking lot is located, the relocation of the existing parking lot, and the addition of various walkways and sidewalks, fencing, light poles and drainage improvements. The Skate Park lies adjacent to the School’s lower athletic fields. Separately and independently from the Skate Park project, and with funding from non-CPA sources, significant improvements are proposed for the School-owned lower fields, including the installation of a new artificial turf fields.

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

**I. Administrative and Operating Expenses**

The recommended appropriation in the amount of \$47,942 is 5% of the FY 2011 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:**         **Board of Selectmen**         **Finance Committee**  
  **Recommended**                   **Recommended**

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