



**ACTON
CONSERVATION
TRUST**

LAND TRUST NEWS

Volume 5, No. 1 October 2002

Special Issue:
**Acton Votes on the Community Preservation Act
November 5, 2002**

Dear Land Trust Members:

At the April, 2002 meeting of the Acton Conservation Trust, the Board voted to endorse and support the adoption of the Community Preservation Act here in Acton. We believe that this is the best way to raise funds (and get access to state funds) to support critical needs in our community. Because of our belief that the upcoming ballot vote is so important to our mission, we have dedicated this issue of our Newsletter to information about the CPA and upcoming ballot question.

The Community Preservation ACT (CPA) grants cities and towns the right to add a property tax surcharge to fund land conservation, historic preservation, and affordable housing, and also provides state matching funds. To date, 51 towns and cities—nearly 15 percent of the state—have now passed the Act, including many of our neighbor towns. These towns are expected to raise approximately \$26 million dollars annually. And, on Oct. 15th the first year adoptees received a 100% match from the Commonwealth.

At April 2002 Acton Town Meeting we voted to put the Community Preservation Act on the November ballot. On November 5th, our town will vote on this important opportunity. With this newsletter we invite you to learn more about the CPA.

With warm regards,

Susan Mitchell-Hardt
President, Acton Conservation Trust

The CPA in Acton

What it Can Do

***Fund Land Purchases for Conservation and Recreation
Support Preservation of Historic Buildings including (for example) Town Hall
Fund Purchase of Affordable Housing***

How Acton Would Raise Funds

***A 1.5% surcharge on property taxes after a \$100,000 exemption and exempting low income and low to moderate income seniors
Matching Funds from a dedicated state CPA Trust Fund (currently at 100% match)***

Where We Stand

***Affirmative April 2002 Town Meeting Vote to Place on Ballot
Needs a Majority Vote on Ballot Question 5 on November 5 to be enacted***

Late Breaking News: Nearly \$18 Million in State Matching Funds Awarded

Boston, MA – October 15, 2002 the Massachusetts Department of Revenue (DOR) distributed a total of \$17,854,420 to municipalities that adopted the Community Preservation Act (CPA) during 2001, its inaugural year. This represents a 100% match of the funds they raised in year one.

Citizens for Acton Community Preservation

Citizens for Acton Community Preservation is an all-volunteer ballot committee of Acton residents committed to preserving Acton's character in fiscally responsible ways. The sole focus is educating the voters of Acton on the benefits of the CPA. More information on the CPA, the CACP, and links to other CPA websites can be found on our website: www.PreserveActon.org

For more information or to join our mailing list, please write us at: info@PreserveActon.org, or call 369-9264

CACP Steering Committee:

| | |
|------------------|----------------------|
| Jane Ceraso | Susan Mitchell-Hardt |
| James Eldridge | Jim Salem |
| Anne Forbes | Dana Snyder-Grant |
| Alison Gallagher | Norm Strahle |
| David Hardt | Nancy Tavernier |
| Ruth Kohls | Jeff Vandegrift |
| Matt Liebman | |

What is Question 5 (Adopting the CPA) All About?

Ballot question 5 on the November 5th ballot is the second and final step in enacting the CPA in Acton. It follows a positive Town Meeting vote last April that authorized placing the question on the ballot. That Town Meeting vote also spelled out the details of the CPA as it would apply to Acton.

- ⇒ The property tax surcharge will be 1.5%
- ⇒ The first \$100,000 of assessed property value will be exempted from the surcharge
- ⇒ Property owners that qualify for low income housing will be totally exempted from the surcharge
- ⇒ Senior property owners that would qualify for low or moderate income housing would also be totally exempted from the surcharge
- ⇒ A **Community Preservation Committee** will be established to make recommendations to Town Meeting about the use of CPA funds.

With these choices, Acton has allowed for minimal impact on all taxpayers and allowed for maximum exemptions under the CPA legislation. This in particular relieves low-income families and low to moderate-income senior families from this surcharge.

Funding the CPA in Acton

Based on the 1.5% surcharge after all exemptions, Acton is expected to raise ~\$400,000 per year for the CPA fund. This will be matched by the dedicated pool of funds from the Commonwealth (The "Community Preservation Trust Fund") according to the size of that

pool. *At present, the match stands at 100%* and is expected to stay at that level for the next several years. It will reduce over time as more Towns adopt the CPA.

The State Trust Fund is dedicated to the CPA and cannot be diverted to other uses. It is funded by a fees charged by the Registry of Deeds on real estate transactions including, deed transfers, mortgage recording and re-financing transactions. The fees are typically \$20 per transaction, and the stream of revenue is expected to remain stable even as the overall economy waxes and wanes.

Neighboring "CPA Towns"

Communities have had the option to adopt the CPA for over two years. During that time 51 cities and towns have done so. These include our neighboring towns as shown below.

| | Surcharge | Exemptions |
|------------|-----------|--|
| Bedford | 3% | 1 st \$100,000, Low income, Seniors |
| Carlisle | 2 % | 1 st \$100,000, Low income, Seniors |
| Chelmsford | 0.5 % | 1 st \$100,000 |
| Harvard | 1.1 % | None |
| Stow | 3 % | 1 st \$100,000, Low income, Seniors |
| Sudbury | 3 % | 1 st \$100,000, Low income, Seniors |
| Wayland | 1.5 % | 1 st \$100,000, Low income, Seniors |
| Westford | 3 % | 1 st \$100,000, Low income, Seniors |

Common Questions about the Community Preservation Act

Q: How long will CPA remain in effect?

The CPA remains in effect for a minimum of five years from the date of ballot question approval. After five years, it can be revoked by a simple majority vote at Town Meeting

Q: Can the level of the CPA surcharge be amended?

Yes. The level of the surcharge (and the optional exemptions) can be changed up or down at any time after the surcharge is imposed, through a simple majority vote of Town Meeting

Q: Who determines how the funds raised through CPA will be spent?

If Acton approves CPA, it will establish a Community Preservation Committee that will make annual recommendations to Town Meeting on how the money shall be spent. The Community Preservation Committee must consist of 5-9 members, and must include one representative each from the conservation commission, historical commission, planning board and housing authority. It can also have at-large members.

Q: Does CPA contain specific requirements on how the money must be spent?

Yes. Each fiscal year, upon recommendation of the committee, Town Meeting must spend, *or set aside for future spending*, the following share of annual Community Preservation Fund revenues:

- 10 percent for open space
- 10 percent for historic resources
- 10 percent for community housing

Beyond these required disbursements, Town Meeting will be guided by the recommendations of the Committee on how the remaining 70 percent of annual CPA revenues will be divided among the three purposes. For example, the remaining 70 percent of the annual revenue could be allocated to one purpose, spread evenly among all three, or set the funds aside for future spending.

Q: Are there any special provisions regarding property purchased with the Community Preservation Fund?

Yes. Any property purchased with the Fund must be subject to a permanent deed restriction limiting the use of the property to its CPA-related purpose. The Town of Acton (or the state or a nonprofit organization such as the Acton Conservation Trust) must enforce the deed restriction. The Town can delegate the property's management to a local board or to ACT.

Q: Can money in the Community Preservation Fund be used to match state or federal grants?

Yes, as long as the municipality's Community Preservation Committee recommends such a purpose to the Town Meeting.

Q: What are the exemptions from the CPA surcharge?

Taxpayers currently exempt from real property taxes under Chapter 59 of Massachusetts General Laws are exempt from the new CPA surcharge. In addition, in Acton the ballot question would adopt the following:

Property owned and occupied by a person who would qualify for low income housing or low or moderate-income senior housing in the city or town,
The first \$100,000 of taxable value of residential real estate.

Changes to these exemptions can be made at any time with approval of the Town Meeting and subsequent voter approval.

Q: Can the CPA funds be used to acquire open space for active recreation?

Yes, provided that the use does not involve the placement of permanent structures such as gymnasiums or racetracks. It is intended or uses such as parks, playgrounds or playing fields. Purchases of open space for this purpose are not covered by the required 10% open space allocation made each year. They must instead come from the remaining 70% as recommended by the CPA committee.

Q. Can the CPA Funds be used to restore or maintain historic Town of Acton Buildings (such as Town Hall or the Original Library)?

Yes. While not part of the original legislation, the legislature has recently passed an amendment to the CPA that allows for maintenance and improvement of historic town-owned buildings. The amendment now authorizes expenditures for handicapped access and other improvements to make these properties more usable or to meet building code requirements.

Examples of CPA Funded Projects:

- Bedford** \$1.6 million for 10-year bond to restore the old Town Hall
- Cohasset** \$100,000 to create two ball fields
- Hopkinton** Creation of affordable housing by moving a donated home to town-owned land
- Medway** \$30,000 to restore historic town documents dating to 1713
- North Andover** \$2.4 million over five years for 35-acre Half-Mile Hill open space purchase



Membership Application

Join with the many other Townspeople who support our efforts to preserve open space in Acton. Our base of funds has been critical to funding land appraisals, working with owners on conservation restrictions and purchasing relevant publications.

(If you are already a member please pass this form onto a friend.)

Name _____

Address _____

Phone _____ E-mail _____

Please indicate the level of your tax deductible annual giving

- \$20 Individual \$50 Family
- \$100 Friend \$500 Protector
- \$500 Supporter \$1,000 Patron

COMMUNITY PRESERVATION ACT
FOR ACTON
BALLOT QUESTION 5
NOVEMBER 5
PLEASE CAST YOUR VOTE!

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Call or e-mail any time with your questions or comments

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