



Gov. Deval Patrick approves more money, overhaul for Community Preservation Act law in Massachusetts

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By Dan Ring, The Republican

BOSTON – Municipal leaders in Western Massachusetts are celebrating approval of more state matching money for communities that raise local funds for open space, historic preservation and affordable housing.

Under the 12-year-old Community Preservation Act, cities and towns across the state receive a state match if voters have adopted the act by approving a property tax surcharge to raise local money.

Gov. Deval L. Patrick this month approved a series of revisions to the preservation act when he signed the state budget on July 8. The changes were first passed by state legislators as riders in the \$32.5 billion state budget for the fiscal year that started July 1.

One change provides for an additional \$25 million in statewide matching money, which currently all comes from \$10 and \$20 fees on real estate transactions.

Another important change will allow the funds to be used for repairs to more recreational facilities and parks.

State matching money has been declining in recent years, partly because of a weak housing market and partly because more communities have adopted the law, meaning the state money is further spread out.

“I’ll take it as it comes,” Leslie Duthie, chairwoman of the Monson Community Preservation Committee, said of the additional state money. “That is just fine.”



The George Washington historical plaque in Agawam was refurbished with community preservation funds.

The additional \$25 million would come from an expected surplus in this fiscal year's state budget and could nearly double the amount of state matching money expected in October of next year for communities that have adopted the preservation law, according to Douglas P. Pizzi, a spokesman for the Community Preservation Coalition.



Leslie Duthie of Monson

The average state match this October will likely be 22 percent of the money raised by a community through its property tax surcharge, while next year the match could be at least 40 percent, according to Pizzi. Before 2008, all communities received a 100 percent match from the state.

Another key change to the law allows use of funds, including the state match and money generated through the local surcharge, to make capital improvements on existing recreational land that was not created or acquired with funds from the law. Previously, Community Preservation Act funds were limited to use on recreational properties bought or created with those funds.

Pizzi said the provision for renovating recreational assets could be especially important to urban communities with parks and other recreational properties that need capital improvements.

“That’s a big change for Northampton,” which approved 3 percent surcharge in 2005, said Sarah LaValley, community

Key changes to the state's Community Preservation Act

- Provides \$25 million from an expected surplus in the state budget for the fiscal year that ends June 30 of next year. Money could double the size of statewide matching fund based on this year's deeds fees collections, pushing the average statewide match from this year's 22 percent into the 40s.
- Permits use of CPA funds to make capital improvements on existing recreational land that was not created or acquired with CPA funds. Previously, CPA funds could only be used on recreational properties bought or created with CPA funds.
- Allows use of funds to replace recreational equipment. This was previously prohibited.
- Bans use of CPA funds to purchase artificial turf for athletic fields. This was previously allowed.
- If a community has a minimum 1 percent local property tax surcharge, the community can dedicate additional municipal revenue sources, including money raised from a local motel or meals tax, to its CPA fund, with a provision that the fund cannot exceed what would be generated by a full 3 percent surcharge.
- Communities now have the option of placing a question on the local ballot, that if passed, would exempt from the surcharge the first \$100,000 of property value for commercial and industrial properties. Previously, only residential properties could receive the exemption.
- If a community has adopted the act at a surcharge of more than 1 percent, it now can opt to lower the surcharge to 1 percent if it commits an equal amount of other municipal revenues to the fund.

Pioneer Valley communities that have adopted the Community Preservation Act:

Agawam, Amherst, Belchertown, Conway, Deerfield, E. Longmeadow, Easthampton, Goshen, Granville, Hadley, Hampden, Hatfield, Longmeadow, Northampton, Southampton, Southwick, Sturbridge, West Springfield, Westfield and Wilbraham.

Source: State Division of Local Services and Community Preservation Coalition

preservation planner for Northampton.

The 150-acre Look Park, located in Florence, and Pulaski Park, the downtown park that hosts the annual holiday tree lighting, could benefit from the new provision, LaValley said.



The illuminated proscenium at the Academy of Music was restored with community preservation funds.

Northampton has used the funds for 55 projects, including restoring historic features of the Academy of Music, preservation of historic city records, purchasing a historic home for the creation of the David Ruggles Center for Early Florence History and Underground Railroad Studies and restoration and preservation of historic properties at the Parsons, Shepherd and Damon houses, which are part of Historic Northampton.

Northampton also funded conservation projects including purchase and protection of 100 acres of open space contiguous to the Fitzgerald Lake conservation area and measures to protect both the 45-acre Bean Farm and the 140-acre Allard Farm.

Corinne Wingard, a member of the Agawam Community Preservation Committee, said her city lobbied for the changes in the law. She said the revisions will give communities a lot more flexibility in using funds. “I think it is absolutely terrific,” Wingard said.

A total of 148 communities have adopted the law. The state Department of Revenue last year distributed \$26.4 million as statewide matching money.

The money can be used for historic preservation, open space, affordable housing and recreation. In order to adopt the law, voters need to approve a local surcharge up to 3 percent on property tax bills.



Corinne Wingard of Agawam

Monson, which approved a 3 percent surcharge in 2006, has used the funds to purchase and protect land near Peaked Mountain Reservation. The purchase provided a new trail head and trail connection to the summit of Peaked Mountain.

Monson also restored the First Church of Monson, created an account for the town’s Council on Aging to help the elderly and disabled repair their homes and purchased a portable accessible ramp for the physically handicapped that the Monson Housing Authority can install where necessary to allow easier access to its housing.

Agawam, which approved 1 percent surcharge in 2001, used funds to restore the George Washington historical marker at the corner of Main and Federal streets, to create a new park off School Street and to upgrade low-income and elderly housing.

Arlene C. Miller, clerk of the Longmeadow Community Preservation Committee, said she also likes the provision for making capital improvements on existing recreational lands. Money is tight in the town budget, she said, and “we have a lot of parks and ball fields that are in disrepair and could use assistance.”

The changes in the law “are a real opportunity for the towns that have committed themselves to the preservation process,” Miller said. Longmeadow adopted 1 percent surcharge in 2006.

Paul H. Boudo, chairman of the West Springfield Community Preservation Committee, said he also wants to use a new measure that allows the option of exempting from the surcharge the first \$100,000 of property value for commercial and industrial properties. Previously, only residential properties could receive the exemption.

Boudo said voters would need to approve the provision at the ballot. West Springfield adopted a 1 percent surcharge in 2008.

Boudo said the provision would make the law a little more tasteful for business owners. “It certainly gives the act and those participating a shot in the arm,” Boudo said of the package of changes in the law.

West Springfield, with its recent adoption of the act, has approved three historical-preservation projects, including restoration of a stone bridge in Mittineague Park, adding a decorative fence to the centuries-old Union Street Cemetery and restoring old grave- and headstones at the Park Street cemetery, said Richard J. Kosinski, vice-chairman of the committee.

A community can raise some substantial money by opting in to the law, according to data from the preservation coalition.

Including the surcharge and state contribution, for example, Agawam raised \$535,070 in a recent fiscal year; Amherst, \$500,386; Belchertown, \$237,527; Deerfield, \$286,128; Easthampton, \$465,374; East Longmeadow, \$258,504; Hadley, \$312,217; Hampden, \$68,754; Longmeadow, \$354,125; Monson, \$292,262; Northampton, \$1,136,446; Westfield, \$447,054; West Springfield, \$471,715; and Wilbraham, \$356,520.

The changes in the law are a result of a bi-partisan effort in the state Legislature. Rep. Stephen Kulik, D-Worthington, who is vice-chairman of the House Ways & Means Committee, worked with House Minority Leader Bradley H. Jones Jr., R-North Reading, for passage of the law in the House.

Kulik said he was very pleased that the final state budget included the changes first approved in the House. “This bi-partisan effort,” he said, “will go a long way toward reversing the last four years of declining local match funding.”

The state Division of Local Services last week e-mailed a special notice on the changes in the law to cities and towns. Communities have used the preservation funds on some projects that otherwise might receive no money, according to the website of the preservation coalition.

In Longmeadow, for example, community preservation funds financed a program to apply herbicide in the Fannie Stebbins Wildlife Refuge to eliminate the invasive Japanese knotweed.

For historic preservation, Longmeadow replaced windows in the Center School, restored and replaced the historic street lamps and street signs in the Colony Hills neighborhood and completed extensive repairs to the Longmeadow Community House. Preservation funds also paid for restoring masonry and wood work and replacing windows at Longmeadow Town Hall.