



TOWN OF BRIDGEWATER

Community Preservation Committee

POLICES AND PROCEDURES

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Effective date 03/27/2024

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COVER PAGE IMAGES

1. Murray Needs Farm Conservation Land - 2015
2. McElwain School Affordable Housing and Playground - 2022
3. Memorial Library Accessibility Ramp – 2 022 (2013 Interior)
4. Academy Building Restoration - 2016
5. Pickle Ball Courts at Senior Center - 2021
6. Girls Softball Field on Crescent St. – 2007

Photo Credits: Carlton D. Hunt / Gina Guasconi

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Introduction

Massachusetts General Law <https://malegislature.gov/Laws/GeneralLaws/PartI/TitleVII/Chapter44B> and Bridgewater's Administrative Code (<https://www.bridgewaterma.org/DocumentCenter/View/1128/Town-of-Bridgewater-Administrative-Code-as-of-1-20-2023?bidId=>) direct all Community Preservation requirements and activities.

The policies and procedures provided herein shall apply to the Community Preservation Committee (CPC), unless otherwise approved and directed by majority vote of the CPC. The policies and procedures shall be considered supplemental to any appointment requirements and regulations adopted by the CPC pursuant to any ordinance or MGL.

Please keep in mind there are legal limitations on the use of CPA funds. Additional information on the CPA can be found at www.communitypreservation.org. The CPC evaluates project eligibility based on the following matrix as amended periodically by the State of Massachusetts.

	Open Space	Historic	Recreation	Housing
Acquire	Yes	Yes	Yes	Yes
Create	Yes	No	Yes	Yes
Preserve	Yes	Yes	Yes	Yes
Support	No	No	No	Yes
Rehabilitate and/or Restore	No (unless acquired or created with CPA \$\$)	Yes	Yes	No (unless acquired or created with CPA \$\$)

These links provide clarification on the various terms in the chart.

https://www.communitypreservation.org/sites/g/files/vyhli4646/f/uploads/2012_section_by_section.pdf

https://www.communitypreservation.org/sites/g/files/vyhli4646/f/uploads/bootcamp_fall_2021_qa_handout.pdf

Membership

The Bridgewater CPC was established by the then Board of Selectmen and ballot vote in 2005. The CPC is comprised of nine members as established by Massachusetts General Law 44B (2010 Official Edition) As amended by St. 2012, c. 139, §§ 69-83. MGL 44B Section 5a: "The committee shall consist of not less than five nor more than nine members. The ordinance or by-law shall determine the

composition of the committee, the length of its term and the method of selecting its members, whether by election or appointment or by a combination thereof”.

The committee includes “one member of the conservation commission established under section 8C of chapter 40 as designated by the commission, one member of the historical commission established under section 8D of said chapter 40 as designated by the commission, one member of the planning board established under section 81A of chapter 41 as designated by the board, one member of the board of park commissioners established under section 2 of chapter 45 as designated by the board and one member of the housing authority established under section 3 of chapter 121B as designated by the authority”. Four members are established by ordinance (e.g., the Administrative Code), one designated by the Open Space Committee, one designated by the Historic District Committee, one designated by the Affordable Housing Trust and one member-at-large appointed by the Town Manager and ratified by the Town Council.

A citizen appointee applies for appointment to the committee by the Town Manager through the Citizens Advisory Committee. This Town Manager appointment must be ratified by the Town Council.

Member organizations send their nominations to the Town Manager for appointment to the CPC. All appointed members must be sworn in by the Town Clerk before they can vote on issues before the Committee. Members must also take the Massachusetts State Municipal ethics training and exam <https://www.mass.gov/how-to/complete-the-online-training-program-for-municipal-employees> . The training certificate is submitted to the Town Clerk for the Town’s Records

Members serve for staggered three-year terms. There are no term limits, although the Town Manager’s policy is to limit an appointee to two-3-year terms when possible. Members will continue to serve after the term expires unless reappointed or replaced.

Members should attend relevant subject area trainings offered annually by various organizations to ensure an understanding of their committee’s roles, responsibilities and authorities as well as the CPC role. Registration fees may be covered under the CPC Administrative Account and authorized on request by the Chair or may be covered by the Town Manager’s Office upon request. Online resources should also be accessed. See for example <https://www.mass.gov/info-details/boards-and-commissions-know-your-responsibilities> or <https://www.mass.gov/resource/guide-for-members-of-public-boards-and-commissions> and (<https://www.communitypreservation.org/>).

Authorities and Responsibilities.

The Bridgewater Massachusetts Town Code establishes the CPC’s ministerial duties. (<https://www.bridgewaterma.org/DocumentCenter/View/1128/Town-of-Bridgewater-Administrative-Code-as-of-10-22-2021?bidId=>). As a ministerial committee the CPC has many responsibilities, one of which is fiduciary. Each member has a duty, created by the role to act primarily for another’s benefit (<https://www.mass.gov/doc/guide-for-members-of-public-boards-and-commissions/download>). The responsibilities include:

(1) Acquisition and preservation

(a) The Community Preservation Committee shall make recommendations to the Town Council for the acquisition, creation and preservation of open space; for the acquisition, preservation, rehabilitation and restoration of historic resources; for the acquisition, creation and preservation of

land for recreational use; for the creation, preservation and support of community housing¹; and for the rehabilitation or restoration of open space, land for recreational use and community housing that is reacquired or created as provided in MGL c.44B. With respect to community housing, the Community Preservation Committee shall recommend, whenever possible, the reuse of existing buildings or construction of new buildings on previously developed sites. Annually, the Committee, with the assistance of the Finance Director, shall make budget recommendations to the Town Manager for inclusion in the annual Town budget. The MGL required reserve account percentages (i.e., Historic, Open Space and Recreation, Housing) will be set at no less than 10% unless changed by a CPC vote. The Administrative Account shall be set at 5%.

(b) The Community Preservation Committee may include in its budget recommendation to the Town Council that it set aside for later spending funds for specific purposes that are consistent with community preservation but for which sufficient revenues are not then available in the Community Preservation Fund. The Committee may recommend to the Town Council that funds be borrowed and repaid with Community Preservation funds to accomplish Community Preservation objectives.

(c) In considering its recommendations, the Community Preservation Committee shall use as a guideline, local and regional open space plans, housing plans, and the Master Plan. The Committee may develop its own guidelines concerning Community Preservation expenditures with the active participation of other Town multiple-member bodies as well as public participation. The Community Preservation Committee is a ministerial committee of the Town.

(2) Needs Study

Annually, the Community Preservation Committee shall study the needs, possibilities, and resources of the Town regarding community preservation. The Committee shall consult with existing Town multiple member bodies, including the Conservation Commission, the Historical Commission, the Open Space Committee, the Planning Board, Parks and Recreation, and the Housing Authority, in conducting such studies. As part of its study, the Committee shall hold one or more public informational hearings on the needs, possibilities, and resources of the Town regarding community preservation possibilities and resources, notice of which shall be publicly advertised in a newspaper and on the Town's web site two weeks prior to the scheduled public informational hearing.

(3) Monitor.

The Community Preservation Committee shall monitor the progress of CPA funded projects.

(4) Management.

Real property interests acquired with community preservation funds shall be owned and managed by the Town unless otherwise specified by vote of the Town Council.

Communication and Technical Support

The CPC may be contacted at cpc@bridgewaterma.org.

CPC communications are regulated by the Massachusetts Open Meeting Law

(<https://www.mass.gov/files/documents/2017/09/25/New%20OML%20Regulations%20%28Clean%20>

¹ Guidance on eligible affordable housing projects can be found at <https://www.communitypreservation.org/existing-housing>

[version%29.pdf](#); <https://www.mass.gov/service-details/open-meeting-law-training-video>) and the Bridgewater Board and Committee Handbook (<https://www.bridgewaterma.org/DocumentCenter/View/1122/2017-3-Board-and-Committee-Handbook-FINAL?bidId=>).

The Town of Bridgewater provides staff support to the CPC in two ways.

- An Administrative Assistant is assigned to the Committee whose duties include but are not limited to setting up (i.e. reserving in-person meeting locations or virtual connections), posting meetings to the Town Website, distributing documents such as the agenda as prepared by the CPC Chair and Vice Chair, draft minutes, and items for CPC discussion in the public setting, attending CPC meetings, preparing meeting minutes, and posting final minutes on the Town's website and recoded CPC meetings on Bridgewater's YouTube Channel (<https://www.youtube.com/channel/UC9np8ZefAecrUXTTKa7zibQ>) and maintenance of CPC page on the Town's website, and other activities as assigned by the CPC Chair.
- A professional staff liaison is assigned to the CPC. Responsibilities include advising the CPC with respect to the CPC's Community Preservation Act roles, and authorities under MGL, CPA project applications and content (Town and Community entities).

Support is also received from the Community Preservation Act Coalition (<https://www.communitypreservation.org/>). The Coalition provides support on all aspects of the CPA law, publishes a monthly newsletter, conducts training, and maintains a database of CPA projects statewide. The CPC pays annual dues from its administrative account to the Coalition for this support.

The Town's Financial Director or designee serves as the CPC treasurer responsible for keeping the CPC apprised of the CPA fiscal status (e.g., monthly, and annual budget and account balances, income, and expenditures, etc.). Monthly updates and account balances, income, and expenditures are provided to the CPC Chair for distribution to the Committee.

Per the Administrative Code, the CPC

- shall meet at least annually with the Town Council to discuss issues pertaining to acquisition and preservation pursuant to the Community Preservation Act.
- meets as necessary with the Town Manager and all municipal departments and other administrative staff to effectuate accomplishment of its mission.
- meets as necessary with any Board, Commission or Committee of the Town, particularly the Affordable Housing Trust and the Financial Committee, to effectuate accomplishment of its mission. Reference: MGL c. 44B

Communications by the CPC, Town, and applicants including emails, letters, phone conversations, etc. regarding the CPC's role and functions will be preserved and made available among the participants.

Application Submission Requirements

The applicant must be an entity that can receive the funding (e.g., Bridgewater Municipal entity or 501c3 with site control, private properties [See <https://www.communitypreservation.org/private-projects>]. All applicants, including Town Departments, Commissions, and Boards are encouraged to

1 submit an eligibility form ([https://www.bridgewaterma.org/DocumentCenter/View/4706/CPC-Project-](https://www.bridgewaterma.org/DocumentCenter/View/4706/CPC-Project-Eligibility-Form-Revised-Fill)
2 [Eligibility-Form-Revised-Fill](https://www.bridgewaterma.org/DocumentCenter/View/4706/CPC-Project-Eligibility-Form-Revised-Fill)) for an official determination from the CPC on whether the project is eligible
3 before completing a more detailed full application (see below). The Project Eligibility Form must
4 demonstrate a public benefit for the project.

5 Eligibility forms will be submitted to the CPC Chair and Administrative Assistant as listed on the Town's
6 Website. The eligibility form can provide valuable guidance to applicants and save time and effort
7 before preparing the full project application.²

8 Once project eligibility is determined, the applicant will be notified in writing by the CPC Chair. Projects
9 determined to be ineligible will be notified in writing by the CPC Chair and are encouraged to rework
10 and resubmit their project with eligible elements, if appropriate and feasible.

11 The full project application requires details about the project's goals, scope, timeline, budget and cost
12 estimates, project management and maintenance plan, and other essential information to inform the
13 CPC's consideration and to ensure compliance with all laws, regulations, and best practices.

14 Requests for Bridgewater CPA funds require electronic submission of a complete current CPC application
15 to the CPC Chair and Administrative Assistant as listed on the Town's Website.

16 (<https://www.bridgewaterma.org/DocumentCenter/View/4664/Bridgewater-CPA-Application-Final>;
17 [https://www.bridgewaterma.org/DocumentCenter/View/4711/Bridgewater-CPA-Application-Guidance-](https://www.bridgewaterma.org/DocumentCenter/View/4711/Bridgewater-CPA-Application-Guidance-Revised-Final-10_22_2021)
18 [Revised-Final-10_22_2021](https://www.bridgewaterma.org/DocumentCenter/View/4711/Bridgewater-CPA-Application-Guidance-Revised-Final-10_22_2021)) The CPC Chair will forward an electronic copy of the application to the CED
19 Director. [Note: This may be modified when a Bridgewater CPC Application and Records Portal is
20 created.]

21 The CPC will determine if an application is complete. An application deemed incomplete may be
22 returned for revision or may be denied.

The CPC will work effectively to review and act on all applications, explicitly following the public process as required under Massachusetts' Open Meeting Law.

For projects related to real estate purchases, the CPC may consider emergency funding requests outside of regularly scheduled meetings. The CPC will consider such requests on a case-by-case basis and is under no obligation to grant any requested extensions or exceptions. The CPC Chair has the authority to accept exceptions or extensions. Historic document digitization guidance can be found in Attachment 6. Appropriate use of CPA funds by a State Housing Authority is described in Attachment 7.

23 a. Submission Deadline

24 The CPC typically meets monthly. An application must be submitted to the CPC Chair and
25 Administrative Assistant no later than one week before a posted meeting to enable CPC's review at
26 their regularly scheduled meeting. Forms received after this date may be discussed at the following
27 month's meeting.

² MGL 44, Section 5 (e) For the purposes of community preservation and upon the recommendation of the community preservation committee, a city or town may take by eminent domain under chapter 79, the fee or any lesser interest in real property or waters located in such city or town if such taking has first been approved by a two-thirds vote of the legislative body. Upon a like recommendation and vote, a city or town may expend monies in the Community Preservation Fund, if any, for the purpose of paying, in whole or in part, any damages for which a city or town may be liable by reason of a taking for the purposes of community preservation.

1 This deadline applies to Town Departments and Staff and the CPC's consultants as well as nonprofit
2 entities.

3 In accordance with Massachusetts Open Meeting Law, the CPC's meeting agendas will be posted
4 with the Town Clerk at least 48 hours prior to the meeting. The agenda must include a list of topics
5 the Chair reasonably anticipates will be discussed.

6 Supplemental information for the CPC's consideration may be required by the CPC after a complete
7 application is reviewed by the CPC.

8 b. Electronic Copies

9 Each application submitted to the CPC must include the application, attachments, plans and other
10 required or supplemental documentation. Electronic copies shall be provided on a flash drive or via
11 email (see above) and shall be in Microsoft Word, Microsoft Excel or Adobe Acrobat format. Plans
12 shall be provided in Adobe format.

13 c. Expectations

14 The CPC will review applications and make decisions in accordance with the criteria applicable to
15 each application, statutory requirements, the Town of Bridgewater's Community Preservation Plan
16 ([https://www.bridgewaterma.org/DocumentCenter/View/2928/Community-Preservation-](https://www.bridgewaterma.org/DocumentCenter/View/2928/Community-Preservation-Committee-Plan?bidId=)
17 [Committee-Plan?bidId=](https://www.bridgewaterma.org/DocumentCenter/View/2928/Community-Preservation-Committee-Plan?bidId=)), and CPC application scoring matrix.

18 Any organization or individual not having a municipal function or relationship are required to
19 address the Anti-Aid Amendment to the Massachusetts State Constitution. Churches are
20 specifically required to address and meet the three-part test ruled by the Supreme Judicial Court
21 (SJC) regarding aid (See Attachment 1).

22 CPC meetings and public hearings considering applications and related topics will be combined
23 whenever possible.

24 Applicants must expedite meetings and hearings by being prepared to fully explain the application,
25 by planning the presentation, and by submitting all information required or requested by the CPC
26 at least one week in advance of the meeting/hearing as indicated under Section B above.

27 Applicants should anticipate that the CPC, CPC's consultants, and Town Staff will need adequate
28 time to review, issue reports and recommendations, and make informed decisions. No materials,
29 plans or documents may be presented, discussed, or used at the meeting if not provided to the CPC
30 at least one week prior to the meeting.

31 CPC Decisions

32 Funding recommendations may not occur at the initial public meeting presenting the application.

33 The CPC has the right to attach conditions or require additional agreements, such as preservation
34 restrictions or grant agreements as part of a funding recommendation (see **Exhibit 1. IRG 19-14**
35 **Guidance on Grant Agreements**). MGL 44B, Section 12: Real property interest; permanent
36 restriction; management requires any real property interest acquired with CPA funds be bound by a
37 permanent restriction (Attachment 2).

1
2 The CPC shall fund the cost of deed
3 restrictions or easements from the CPC's
4 administrative account per the CPA
5 funding conditions.

6 The CPC makes CPA funding
7 recommendations to the Town Council
8 through the Town Manager. The CPC may
9 recommend the project to the Town
10 Council as proposed by the applicant or
11 recommend funding only a portion or
12 phase of the proposed project.

13 The CPC's recommendation to the Town
14 Council shall include detailed project
15 scope, conditions, and other
16 specifications as advised in DOR IRG 19-
17 14. This ensures compliance with CPA
18 requirements and project performance
19 expectations. The CPC will make its CPA
20 project funding recommendation(s) in
21 writing to the Town Council through the
22 Town Manager.

23 The Town Manager will ensure all
24 applicable CPC documentation is
25 included in Orders placed before the
26 Town Council.

27 Entities recommended to receive funding
28 from the Administrative Account by
29 majority vote of the CPC will be notified
30 of the award amount and scope of
31 services via email from the CPC Chair
32 (with copies to the Administrative
33 Assistant, Finance Director, and Town
34 Manager). The Town will establish formal

35 contract mechanisms with the award entity no more than 30 days after the CPC award vote. The
36 award recipient will notify the CPC Administrative Assistant and CPC Chair of award receipt and
37 deliver scope and schedules to the Town's procurement officer for processing. Draft and final
38 reports will be submitted to the CPC Chair and Administrative Assistant for CPC review and
39 acceptance.

40 **Encumbrance duration:** Typically, encumbrances carryover for one year - it is usually only held
41 because the work is in the queue, money is held over for a few months to complete the ordered
42 work/goods & services.

Deed Restrictions

<https://www.communitypreservation.org/restrictions>

Restrictions are legal documents that place limitations on the use of a property. These restrictions apply to all future owners of the property and can't easily be changed or removed by subsequent owners.

Section 12a of the Community Preservation Act requires that a permanent restriction be placed on any "real property interest" acquired using CPA funds to ensure that the property continues to be used for the applicable CPA purpose. Given this statutory requirement, a CPA project involving acquisition of any real property interest is technically not complete until the restriction is approved by the appropriate state agency and filed at the Registry of Deeds.

Four types of restrictions apply to CPA projects:

- Conservation Restrictions: Approved by the [MA Executive Office of Energy and Environmental Affairs \(EEA\)](#)
- Affordable Housing Restrictions: Approved by the MA Executive Office of Housing and Livable Communities (EOHLC)
- Agricultural Preservation Restrictions: Approved by the MA Dept. of Agricultural Resources (DAR)
- Historic Preservation Restrictions: Approved by the Massachusetts Historical Commission (MHC)

1 If the work is part of an overall approved project that the CPC approves for appropriation, then any
2 incidentals should be included in the whole project.

3 Town Council Approval and Appropriation

4 The Town Council has the final authority to award funds from Bridgewater's Community
5 Preservation Act Fund. Under the CPA law the Town Council may approve, approve with a lower
6 level of funding, or reject the CPC's recommendations.

7 The Town Council Clerk will notify the CPC within one week of the Council vote of Town Council's
8 final disposition including order number and award amount.

9 CPC Chair will notify the applicant in writing upon receipt of the Town Council's notification.

10 Award Letter/Grant Agreement

11 An Award Letter Template developed jointly by the CPC and Town will be used for all municipal
12 projects. (See Attachment 3). The CPC working with the Town will issue award letters on behalf of
13 the Town Council. Award letters will contain the funding amount, funding conditions, municipal
14 account numbers, CPC, and Town contact information, requirements for project execution,
15 certifications, signage requirements, and reporting requirements.

16 Similarly, a Grant Agreement Template developed jointly by the Town and CPC will be used for all
17 non-municipal projects. The Grant Agreement will be drafted by the CPC working with Town and
18 Town Attorney. The Grant agreement will be issued by the Town. See
19 <https://www.communitypreservation.org/grant-agreements> .

20 Award Letters and Grant Agreements shall be drafted by the CPC or designee and issued within
21 thirty days of the Town Council appropriation authorization.

22 Projects receiving CPA funding shall credit the CPC/CPA as a source of funding in promotional
23 materials and, whenever appropriate, signage at the project location.

24 A permanent sign or plaque must be placed at the project location upon completion of the project
25 giving credit to the CPA funding.

26 Signage and Town Seal

27 Signage used for projects funded in whole or in part with CPA funds, including plaques and sign boards
28 may include the Town Seal. Use of the Town Seal on such final signage was approved by the Town Clerk
29 on February 7, 2024.(See attachment 9).

30 Fiscal Responsibilities: Disbursement and Monitoring of Funds

31 CPA monies are public funds raised from dedicated Bridgewater tax revenues and from State subsidies.
32 Projects financed with CPA funds must comply with all applicable state and Town of Bridgewater laws,
33 ordinances, policies, and guidelines.

34 Section 7 of the CPA legislation requires that any interest earned on cash sitting in a community's CPA
35 fund must be credited back to the fund. In cases where CPA cash is pooled with other municipal funds,
36 the Treasurer must allocate the interest earned on the CPA portion to the Community Preservation

1 Fund. <https://www.communitypreservation.org/account-interest>. If the CPC finds that no interest has
2 been reported on the CP-2, it is important to check with its municipal officials to see if this is a mistake.
3 If interest was due, it can prove to be very difficult to get that money into the CPA fund unless the error
4 is caught quickly.

5 Funds are administered and disbursed by the Town of Bridgewater according to Massachusetts General
6 Law and Bridgewater's Finance Department policies and procedures. Applicants should note that
7 Chapter 30B of the Massachusetts General Laws, the Uniform Procurement Act, establishes uniform
8 procedures for local governments to use when contracting for supplies, services, and real property.

9 Administrative Account funds should be spent during the fiscal year in which appropriated. Any
10 unexpended funds will be returned to the CPC undesignated reserve account unless notified by the CPC
11 Chair to encumber the funds. Otherwise, unexpended Administrative Account funds, regardless of
12 expenditure status, will be returned to the CPC undesignated fund account. The Finance Department
13 will notify the CPC of returned funds at the Fiscal Year Closing.

14 The CPC Chair must notify the Finance Department by the Department's defined date (i.e., early July) to
15 encumber Administrative Funds appropriated in each fiscal year for expenditure in the following FY.

16 Bonding

17 The CPC may recommend bonding a project (i.e., issuing
18 a municipal bond) based on information provided by a
19 CPA Bonding Capacity Analysis and consideration of
20 available funds and future revenues (see Attachment 4
21 for example). The CPA Coalition's CPA Bonding Capacity
22 spreadsheet shall be used for all CPA Bonding Capacity
23 analyses. CPA recommended bonds can only be against
24 the Bridgewater's surcharge revenue. As a city, CPA
25 bonding is approved by the Town's legislative body (e.g.,
26 ballot approval is not required).

27 CPA bonding recommendations and orders considered by
28 the Town Council will include the term "*under the*
29 *Authority of MGL CH.44b*" and include the term of the
30 bond, bonded amount, and miscellaneous costs. Multiple
31 funding sources may be used for a CPA bond (e.g.,
32 existing funds plus a bond for the balance). A two-thirds
33 vote of the legislative body is required to pass a bond
34 order.

35 The Town may issue bonds combining CPA projects and
36 non-CPA projects in a single bond. Annual debt service payments from the approved CPA account and
37 other accounts are proportionally made. Moreover, the legislative body may decide to fund a CPA
38 annual payment from another source but may not use CPA funds to pay for a bond authorized under
39 another funding source.

40 If a bond payment for a project is more than 10% of the annual CPA revenue, bond payment may count
41 as the 10% requirement for the funding source category.

A "municipal bond" is a type of [debt security](#) issued by local, county, and state governments. They are commonly offered to fund [capital expenditures](#) for public works including the construction of highways, bridges, schools, parks, libraries, or roads. Bonds under CPA may support open space acquisitions including conservation restrictions, historic building restoration, or to develop affordable housing. Typically, CPA bonds may be issued when available CPA funds are insufficient to cover the cost of a project. Bonding enables lower annual payments but have the downside of interest payments, thus increasing the overall cost of the project.

Project monitoring, oversight, and fiscal control

CPC will receive CPA related financial updates from the Finance Department at regularly scheduled CPC meetings including concerns regarding anticipated revenues against annual budget and expenditures against approved projects.

Project oversight, monitoring, and financial control - Municipal Projects

Project oversight, monitoring, and financial oversight are the responsibility of the Community Preservation Committee. The CPC is supported by the Town's Finance Department, Building Department, CED, and other CPA relevant departments, Boards, Commissions, and committees.

Invoice review and approval

The sequence for approving CPC administrative appropriation invoices is shown in Figure 1.

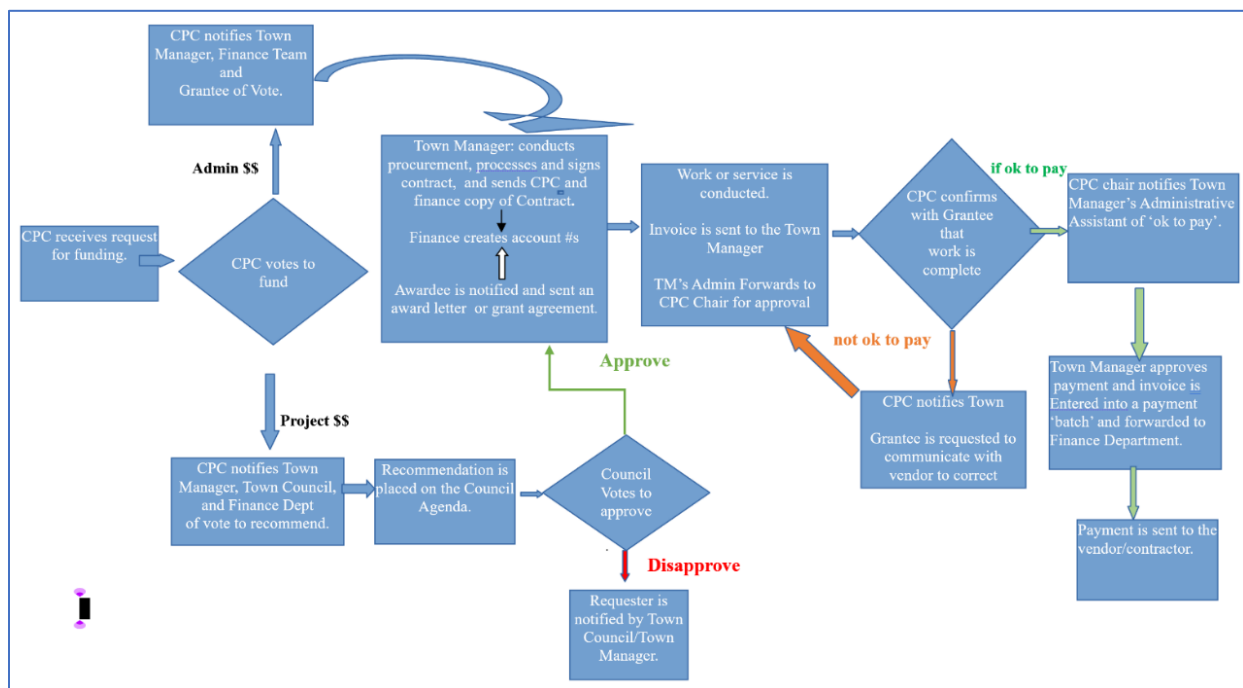


Figure 1 Flow chart for CPA administrative fund invoice approvals

The CPC Chair or designee shall receive, review, comment on or approve all CPA related invoices submitted by or to the Town by the Project's Manager or designee (e.g., the Committee Liaison).

The CPC Chair shall transmit reviewed and approved invoices to the Town Manager or designee and Finance Department for payment.

Invoices against the Administrative Fund are reviewed and approved by the CPC Chair or designee. These can be reviewed and approved by the CPC Chair or designee without a CPC vote. CPC Chair will forward CPC approved administrative fund invoices to the Finance Department for processing. If not approved within 8 days, the bill will be paid per Town policies.

CPC will be notified by the Finance Department when payments are made to ensure DOR required CPC project tracking and records are complete.

Questions of a financial nature should be directed to CPC Chair with copies to the Director of Community & Economic Development and Town's Director of Finance. CPC Chair will receive, review, and approve all legally required Town CPA submissions to the Commonwealth.

Project monitoring, oversight, and fiscal control - Non-Municipal Projects

Project oversight, monitoring, and financial oversight are the responsibility of the Community Preservation Committee. The CPC is supported by the Town Manager and Town's Finance Department.

1. Each non-municipal CPA fund recipient anticipated must sign a Town issued Grant Agreement before project initiation. The grant agreement will specify whether the grant is reimbursable or direct payment to approved vendors may be requested. In either case the CPC Chair or designee will review and approve the invoice prior to submitting it to the finance department for payment.
 - a. The Town must issue the Grant Agreement within 45 days of the Town Council Appropriation decision.
 - b. Recipient will submit the bid specifications to the CPA liaison for review and concurrence of appropriateness for receiving CPA funds.
 - c. Recipient will submit a copy of the signed contract to the CPC.
2. Payment: Each request for payment/reimbursement must be accompanied by a letter stating how and when the conditions for funding were satisfied. This letter must clearly itemize the expenses incurred and the total reimbursement requested.
3. Invoices: Copies of paid invoices and cancelled checks for materials or labor - These invoices should be signed as appropriate to pay by either the applicant or a contractor or an owner's project manager hired to oversee the project. Copies of canceled checks must be attached to the individual invoice(s) for which the checks were written. Whenever possible, the applicant should work with CPC liaison to ensure that this verification process is in place before any invoices are paid.
4. Project Budget Spreadsheet - Payment requests should also include the project's up to date budget information in spreadsheet form. At a minimum, this spreadsheet should include: the overall project budget; all funding sources to be used in the project; the amount budgeted for each category of the project and how the funding sources will be allocated to them; any payments received to date (including the funding source and to what it was applied); the total amount of funding requested for reimbursement; and the balance of CPA funds required to complete the project.
5. Verification of work: The CPC Project Liaison will establish site visits with the Applicant to review the work to date either at regular intervals or when reimbursements are requested. Following these site visits, the CPC Project Liaison will document the visit for the CPC's review and attach the memo to the file copy of the reimbursement request.
6. Payment approval: Once these materials have been received and verification is complete, the CPC Chair will approve the reimbursement request. Once approved, the CPC Chair will request that the Accounting Department release the appropriate amount from the CPA funds allocated to the project.
7. Payment: Standard Town payment procedures will be followed.

Annual Budget

The CPC must annually recommend a budget to the legislative body. Specifically, the CPC establishes appropriations or reservations from Community Preservation Fund financing sources for specific

1 projects or categories of projects.

2 CPC will receive relevant up-to-date financial data from the Finance Department in December of
3 each year to establish the CPC's Annual Budget.

4 The format of the CPC Budget Submission can be found as Attachment 5. This document will be used by
5 the CPC when presenting its budget recommendation as part of Bridgewater's annual budgetary
6 process.

7 The CPC can budget anticipated revenue to the following accounts to fund specific CPA project
8 recommendations:

- 9 • CPA Category Reserve accounts (Historic Preservation, Open Space (including Recreation) or Com-
10 munity Housing)
- 11 • CPA Budgeted Reserve account appropriated in the current fiscal year
- 12 • CPA Undesignated Fund Balance (money left over from previous years)
- 13 • Annual Fund Revenues (i.e., the estimated CPA revenue for the upcoming fiscal year). These funds
14 cannot be spent until July 1st.
- 15 • Borrowing (issuing a bond to be paid from the future CPA revenue stream)

16 This link is to a chart defining the above terms:

17 [https://www.communitypreservation.org/sites/g/files/vyhlf4646/f/uploads/coalition_customized_cpa](https://www.communitypreservation.org/sites/g/files/vyhlf4646/f/uploads/coalition_customized_cpa_fund_financing_sources_chart.pdf)
18 [fund_financing_sources_chart.pdf](https://www.communitypreservation.org/sites/g/files/vyhlf4646/f/uploads/coalition_customized_cpa_fund_financing_sources_chart.pdf).

19 Note: the budgeted reserve account enables expenditure of the fiscal year's revenues prior to the
20 annual tax rate setting.

21 Note: If payment on a project bond is more than 10% of the annual CPA revenue, the bond payment
22 counts as your 10% requirement for that category. See slide 16 of

23 [https://www.communitypreservation.org/sites/g/files/vyhlf4646/f/uploads/cpa_bonding_presentation](https://www.communitypreservation.org/sites/g/files/vyhlf4646/f/uploads/cpa_bonding_presentation_slides_1.12.2022.pdf)
24 [slides_1.12.2022.pdf](https://www.communitypreservation.org/sites/g/files/vyhlf4646/f/uploads/cpa_bonding_presentation_slides_1.12.2022.pdf)

25 The CPC may decide to reserve all, or part of the annual revenues recommended for appropriation for
26 specific acquisitions or initiatives for later appropriation by allocating them to the reserve for that
27 category of expenditures. Per CPA requirements, the minimum of 10 percent of the anticipated
28 revenue will be reserved for Open Space and Recreation, for Historic Preservation, and for Housing.
29 The maximum to be reserved for the administrative account is 5 percent. Allocating only 10% to each
30 reserve maximizes the flexibility of the CPC for project funding recommendations to the Town Council.

31 The annual community preservation budget will account for committed funds and expenditures such as
32 CPA funded bonds. Administrative funds approved by the CPC but not spent may be reserved for
33 expenditure the following fiscal year. The Financial Department is responsible for notifying the CPC of
34 funds appropriated by the CPC but unspent or invoiced at least two weeks before the close of the fiscal
35 year. The Town Council appropriated funds will carry over to subsequent fiscal years until the project is
36 officially closed by the CPC. See Attachment 8.

37 A CPA funded project cannot be closed until the CPC Chair notifies the Accounting Department to
38 execute the closure.

Financial Forecast:

A multi-year revenue and expenditure forecast will be generated by the Finance Director or designee in consultation with the CPC prior to the beginning of the Annual Budget Process in January.

Annual Budget Modification

CPC and Finance Director or designee shall conduct an annual mid-year revenue review to determine if a substantial over or underestimate against the budgeted revenue projection exists (see IRG 19-14, Section 6 Funds, Pages 24-31). The committee may recommend adjustment of the budgeted FY revenue to the Town Council based on this review.

The Finance Director or designee will certify available funds upon request by the CPC.

Annual CPA revenues exceeding the annual budgeted amount will transfer to the CPC undesignated fund unless otherwise directed by MGL or the CPC.

Reporting Requirements:

The Town's Finance Director or designee shall be responsible for annually completing and submitting the following, a copy of which will be submitted to the CPC Chair and Town's Committee Coordinator upon submission to the state:

"Community Preservation Surcharge Report" (Form CP-1). This report details surcharge commitments, abatements and exemptions of the previous fiscal year and is required for a state trust fund distribution to be made to the community (Recap).

"Community Preservation Fund Report" (Form CP-2) to the Bureau of Accounts by October 31. This report details all fund activity of the previous fiscal year. A copy must also be submitted to the Executive Office of Environmental Affairs (EOEA).

"Community Preservation Initiatives Report" (Form CP-3) to the EOEA by August 15. This report details acquisitions and other community preservation initiatives of the previous fiscal year.

All financial activity related to the Community Preservation Fund must be reported in Schedule A. See column "Open Space Acquisition Fund" in the special revenue section, Part V, under other special revenue.

Project Record Keeping and Oversight

The CPC will keep a record of its recommendations to the legislative body and the specific action taken by the Town Council.

The CPC will monitor spending from the CPA accounts monthly similarly to the department heads' review of monthly reports from the accounting officer on budget status, including a detailed expenditure listing per DOR IRG 19-14 or superseding DOR guidance.

In addition, the CPC requires regular status reports from each CPA-funded project recipient. Status updates may be monthly, quarterly, or other frequency, depending on project complexity. CPC will determine the frequency which will be incorporated into the award letter or grant agreement. Such updates are necessary for the CPC to track the progress of funded projects, to inform progress against the five-year Community Preservation Plan, and identify issues that may assist future applicants.

1 A draft final project report including documentation of expenditures and relevant before and after
2 photographs shall be submitted to the CPC within one month of project completion. CPC may request
3 modifications to the report after review and before final acceptance of the report.

4 CPC will notify the finance department to close the project account and return any unused funds to the
5 CPC's reserve account(s) in the same proportion as appropriated by the Town Council. Unused
6 Administrative account funds will be transferred to the Undesignated fund. See
7 <https://www.communitypreservation.org/unspent-funds>.

8 The final report must be posted to the CPC webpage.

9 Property Interests:

10 **Per MGL (<https://malegislature.gov/Laws/GeneralLaws/PartI/TitleVII/Chapter44B/Section12>)** *"The*
11 *committee must maintain an inventory of all real property interests acquired, disposed of, or improved*
12 *by the Town or other grantee as appropriated by the Town Council. The inventory must contain, at a*
13 *minimum, the names and addresses of the grantors and grantees, the amount of consideration and all*
14 *relevant action dates. It should also reference all documents related to acquisitions, dispositions, and*
15 *improvements, such as purchase and sale agreements and CPA deeds."*

16 Miscellaneous

17 The CPC will facilitate updates of the CPA required Community Preservation Plan every 5-years.

18 The CPC chair must present an annual update to the Town Clerk on the CPC's activities for inclusion in
19 the Annual Town Report.

20 The Town's Administrative Code requires:

- 21 • The CPC annually update the Town Council regarding its matters and activities.
- 22 • reorganized at the Committee's first meeting after July 1 of each calendar year, including the
- 23 election of a Chair, Vice Chair, and Treasurer.

24 Attachment 7 provides CPA relevant IRG guidance documents to CPCs.

25 Attachment 9 provides the Town's "Policy On Use of the Town of Bridgewater's Seal."

Attachment 1: SJC Three-part test.

The Massachusetts Constitution has a provision, commonly referred to as the “anti-aid amendment”, which reads:

“No grant, appropriation or use of public money or property or loan of credit shall be made or authorized by the Commonwealth or any political subdivision thereof for the purpose of funding, maintaining or aiding any . . . charitable or religious undertaking which is not publicly owned.” In evaluating a grant of public money to any non-profit or religious institution, the Court will consider three factors.

1. Whether the grant is for maintaining or aiding a non-profit or religious organization.
2. Whether the effect of the grants is to substantially aid a non-profit or religious organization (This element almost always will be met).
3. Whether the risks meant to be avoided by the Anti-Aid amendment are implicated by the grant, specifically:
 - Risk that “liberty of conscience” would be infringed;
 - Risk that public funding would result in entanglement with religion; or
 - Risk that the public support of religious institutions would threaten “civic harmony.”

Excerpt from July 18, 2018, Memo from Town Attorney Jason Rawlins to Bridgewater CPC: “As it applies to the Bridgewater Community Preservation Committee, the following should provide guidance:

1. Nothing prohibits a religious institution from applying for CPC funds, however the application should be very carefully scrutinized through the lens of the Court’s decision;
2. The CPC should determine if the requesting entity or structure is of substantial historical significance;
3. If the funds are being requested to offset cost which would otherwise be incurred by the church, it is highly likely that it is an impermissible grant;
4. Any request for funds to repair/renovate/restore any part of the church which itself carries religious significance (stained glass windows, steeple, etc.) is impermissible.”

https://www.communitypreservation.org/sites/g/files/vyhlif4646/f/uploads/sjc_court_opinion_-_caplan_v._town_of_acton_sjc_12274.pdf

<https://www.communitypreservation.org/home/news/ma-supreme-judicial-court-issues-decision-acton-lawsuit>

1 [Exhibit 1. IRG 19-14 Guidance on Grant Agreements](#)

2 IRG 19-14, December 2019, Section 2.e., Pages 21-22: “It is recommended that a community, in
3 consultation with its legal counsel, develop and utilize a community preservation fund grant agreement
4 to ensure completion of an approved project and implementation of the project’s community
5 preservation purpose. This is particularly important if a grant is made to a nonmunicipal department,
6 individual, private or non-profit entity, or any entity, agency or grantee over which the municipality has
7 no legal control, in order to protect the municipality’s investment and ensure implementation of the
8 project’s purpose and compliance with the Anti-aid Amendment to the Massachusetts Constitution, if
9 applicable.”

10 “ Communities should consider, as appropriate, the following provisions in grant agreements: name of
11 grantee; non-assignability of grant (without advance written approval of municipality); detailed
12 description of any restoration, rehabilitation or other work to be performed by the grantee;
13 construction specifications and standards; relevant historic rehabilitation standards; time periods for
14 performance; total project budget and listing of all funding sources required for project completion;
15 requirement for commitment of total project funding sources before release of CPA funding;
16 designation of who will inspect and approve any required work; provision for periodic release of funding
17 payments as work is completed and approved; return of grant funds not used to the CP Fund; grantee
18 reporting requirements; grantee matching fund requirements; timing of execution, delivery and
19 recording of required community preservation restriction documents or easements for public
20 access/use; remedies for any breach or nonperformance of grantee, including return of CP funds;
21 designation of responsibility for continued maintenance of assets or improvements funded with CP
22 funds; any other requirement or condition of the grant.

23

Attachment 2. Award letter Template.



Award Letter -
template.docx

(award recipient name)
(award recipient address)

Re: Award Letter – *(project name)*

Dear *(award recipient name)*:

Congratulations on receiving funding from Bridgewater’s Community Preservation Act (CPA) for the purpose of *(brief description of project)*. Your effort during the project selection helped secure support in favor of the Community Preservation Committee's (CPC) recommendation to the Town Council. This recommendation was approved at the *(date of Council meeting)*, Council meeting. CPA funding for this project is available per Town Council Order *(order number)* and any restrictions therein.

Appropriation. CPA funds in the amount of *(award dollar amount)* have been appropriated from the CPC’s *(account name and number)*.

Note that the net overall CPA funding may be decreased pending receipt of any grants and/or donations for this project. Per your application,

Funds will be expended under your direction for the purposes outlined in the CPC recommendations contained in the Town Council vote.

Any CPA funds awarded to this project and not used for the purposes stated herein shall be returned to the CPA accounts from which they were allocated.

The CPC will receive project financial information during its posted monthly meetings via reports received from the Finance Department. This report must include expenses assigned to the funding account.

Documentation, Communication, and Invoicing. All necessary documentation and communication regarding this project shall be directed to yourself and *(name of CPC project liaison)*, CPC liaison. All CPC project invoices must be copied to the CPC Chair, *(chair’s name)*, at CPC@BridgewaterMA.org or by written communications to the Community Preservation Committee, Town of Bridgewater, 66 Main Street, Bridgewater, MA 02324.

CPA funding for the project is available pending notification of completion of conditions as outlined in the submitted application dated (*application date*), and following execution of this award letter per the conditions below.

1 **Work Start and End.** Work shall commence on or about (*start date*), or upon execution of this award letter. You as the recipient and the project liaison shall ensure that all project work is completed on or about (*anticipated completion date*), as described in the approved project application including any awarded grant conditions. The CPC may approve an extension of the completion date in writing for good cause although is not required to do so.

2 **Changes.** Any significant changes to the CPA funded parts of the project shall require CPC approval. Please contact the CPC Chair to help determine what change(s) is significant and, if necessary, to schedule an appointment with the CPC.

3 **Submission Requirements.** The Community Preservation Committee requires submission of the following to the CPC Chair at CPC@bridgewaterma.org:

a. Written monthly progress reports beginning within ninety (90) days of execution of this award letter. At minimum, these reports must include:

- Status of project milestones, including dates.
- Problems encountered that may affect schedule or budget.
- Expenses to date, including labor, services, and materials.
- Matching funds, grants, donations, or in-kind services (labor, materials, etc.) used to complete the project.
- Estimated and actual date of project closing.

b. The project completion must be certified in writing. A draft final project report including documentation of expenditures and relevant before and after photographs shall be submitted to the CPC within one month of project completion. The CPC may request modifications to the report after review and before final acceptance of the report. Once the certification is received, the CPC will notify the Finance Department to close the project account, after which no further funds shall be available for this project.

c. Attestation that all applicable state and local purchasing regulations, ethics regulations, ordinances, and Town financial policies, and guidelines, and regulations have been met.

4 **Credit.** The Town shall credit the source of funding:

a. CPA funding must be referenced in written materials (hard copy and electronic).

b. A temporary sign is required at the project site for any project involving construction or other physical activity (e.g., creation, restoration, preservation), and shall be installed with easily read text stating '*This project is funded by the Town of Bridgewater Community Preservation Act*'.

1 c. The Town shall submit a press release to a local newspaper or community wide
2 communication vehicle (e.g., local or Town face book page) detailing how the funds
3 benefited the project and Town.

4 d. A permanent sign must be placed at the project location upon completion of the project
5 giving credit to the CPA funding.

6 The CPC shall verify in writing the conditions of this award letter have been met.

7 *Please sign and return this acceptance form to the CPC Chair.* Should you have any general
8 questions, please contact the CPC Chair.

9
10 Thank you for working in partnership with the CPC to make a significant and lasting difference
11 in our town.

12
13 Sincerely,

14
15
16 *(name of chair)*
17 CPC Chair
18
19

20 I, *(recipient's name)*, as the applicant or applicant's representative, agree to the terms as stated
21 above as a recipient of the Town of Bridgewater's Community Preservation funds for *(fiscal year*
22 *of award)*.

23
24
25 _____
26 Signature and Date
27
28
29
30

31 CC: Ms. Laurie Guerini, Acting Finance Director
32 Mr. Robert Rulli, Community and Economic Development Director
33 Mr. Joshua McGraw, Special Assistant to the Town Manager
34 Ms. Dawn Menard, Executive Assistant to the Town Manager
35
36

Attachment 3. Annual CPC Budget Calculation Spreadsheet

Instructions

1. Town's Finance Director provides anticipated surcharge revenue and the anticipated state match.
2. State revenue estimated is based on DOR guidance for the upcoming year.
3. CPC estimates reserve account percentages (the total reserve % cannot exceed ~50% of anticipated revenue depending on bond payments.
4. The Finance Director provides expected bond appropriations for the coming year.
5. The template calculates the Undesignated Fund value.
6. The budgeted revenue versus expenditures is calculated and any excess or over budgeted revenue identified.
7. If the latter occurs, the budget calculations and revenues are reconciled.

Community Preservation Fund
FY 2023 Recommended Budget

Sources & Uses of Funds		FY 2023
Revenue Estimates		
CPA Surcharge 2%		\$775,000
State Match		\$250,000
Total Estimated Revenue		\$1,025,000
Total Sources of Funds		\$1,025,000
Reserves		
Community Housing Reserve	(Min 10%) 10%	\$102,500
Open Space Reserve	(Min 10%) 10%	\$102,500
Historical Resources Reserve	(Min 10%) 10%	\$102,500
Total Required Reserves		\$307,500
Administrative Expenses (No >5%)		
Purchase of Services		
Administrative Expenses		
Total Administrative Budget		\$51,250
Debt Service		
ACADEMY BUILDING RENOVATIONS-PRINCIPAL		\$240,000
ACADEMY BUILDING RENOVATIONS-INTEREST		\$105,000
KEITH HOMESTEAD-2012 CPC 00001-PRINCIPAL		\$47,000
KEITH HOMESTEAD-2012 CPC 00001-INTEREST		\$3,350
Total Debt Service		\$395,350
BUDGETARY RESERVES		\$270,900
Total Use of Funds		\$1,025,000
Total Surplus (Deficit)		\$0

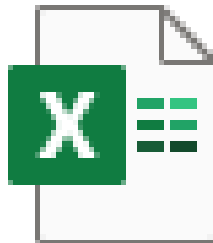


CPC Budget
calculator template.x

- 1 Attachment 4. Bonding Capacity (Debt Service) Spreadsheet (Example
2 shown)

Maximum Bonding Capacity of BRIDGEWATER Preservation Fund for Estimates <i>*this worksheet Downloaded from CPA Coalition Sample Docs</i>								
	2023 Est Budget	\$ 775,000						
<u>Fund Activity</u>	<u>Fiscal Year</u> <u>2023</u>	<u>Fiscal Year</u> <u>2024</u>	<u>Fiscal Year</u> <u>2025</u>	<u>Fiscal Year</u> <u>2026</u>	<u>Fiscal Year</u> <u>2027</u>	<u>Fiscal Year</u> <u>2028</u>	<u>Fiscal Year</u> <u>2029</u>	
Beginning Balance	\$ 1,136,805	\$ 1,321,455	\$ 1,231,215	\$ 1,177,820	\$ 1,171,791	\$ 1,231,982	\$ 1,325,413	
Plus: Annual Estimated Local CPA Revenue (Est +2.5%)	\$ 775,000	\$ 794,375	\$ 814,234	\$ 834,590	\$ 855,455	\$ 876,841	\$ 898,196	
Less 10% Historic Reserve	\$ 77,500	\$ 79,438	\$ 81,423	\$ 83,459	\$ 85,545	\$ 87,684	\$ 89,819	
Less 10% Housing Reserve	\$ 77,500	\$ 79,438	\$ 81,423	\$ 83,459	\$ 85,545	\$ 87,684	\$ 89,819	
Less 10% Open Space/Recreation	\$ 77,500	\$ 79,438	\$ 81,423	\$ 83,459	\$ 85,545	\$ 87,684	\$ 89,819	
Less 5% Administrative Account	\$ 40,000	\$ 40,000	\$ 40,712	\$ 41,730	\$ 42,773	\$ 43,842	\$ 44,911	
Available Cash	\$ 1,716,805	\$ 1,916,955	\$ 1,841,891	\$ 1,803,762	\$ 1,813,382	\$ 1,889,613	\$ 1,999,196	
Less payment on existing CPA bonds	\$ 395,350	\$ 385,740	\$ 374,071	\$ 351,971	\$ 311,400	\$ 304,200	\$ 297,000	
Funds available for annual payment on new CPA bond	\$ -	\$ 300,000	\$ 290,000	\$ 280,000	\$ 270,000	\$ 260,000	\$ 250,000	
Ending Balance	\$ 1,321,455	\$ 1,231,215	\$ 1,177,820	\$ 1,171,791	\$ 1,231,982	\$ 1,325,413	\$ 1,452,196	
Estimate Scenario of \$2M at 5% at 20 years								
Bond Details: \$2,000,000 for 20 years @ 5%								
Principal Payment	\$ -	\$ 200,000	\$ 195,000	\$ 190,000	\$ 185,000	\$ 180,000	\$ 175,000	
Interest	\$ -	\$ 100,000	\$ 95,000	\$ 90,000	\$ 85,000	\$ 80,000	\$ 75,000	
Maximum annual debt repayment that could be supported under CPA:	\$ -	\$ 300,000	\$ 290,000	\$ 280,000	\$ 270,000	\$ 260,000	\$ 250,000	

3



cpa_bonding_capacit
y_spreadsheet_20_yea

4

5

6

7

1 Attachment 5 Digitization Policies

2 [Joint RCB SPR Bulletin_Digitizing Records.pdf](#)

3



Joint RCB SPR
Bulletin_Digitizing Re

4

5

1 Attachment 6: DOR IRG-19 CPC guidance

Process	Guidance	Notes	Section
Role	<p>The CPC is responsible for evaluating the community preservation needs of the city or town and making recommendations for appropriations from the CP Fund to the community's legislative body as part of the annual budget process.</p> <p>Requirements</p> <p>1. Annual Needs Study: The committee must study the community preservation needs, possibilities and resources of the city or town (including consideration of regional community preservation projects), consulting with various municipal agencies, particularly those represented on the committee</p> <p>The committee must hold at least one public, informational hearing as part of the initial study and annual review process.</p> <p>2. Annual Recommendations and Budget: The community preservation budget should include the committee's revenue projections for the fiscal year and identify all appropriations that the committee recommends funding from CP Fund financing sources.</p>	<p>"Its role is analogous to that of a capital planning committee in developing a multi-year capital improvement plan for a community and presenting an annual capital budget to its legislative body."</p> <p>It should then develop a community preservation program and financial plan for the city or town. The program should identify long-term and short-term goals and needs, set criteria for evaluating proposed acquisitions and initiatives, prioritize projects and estimate their costs. The financial plan should include a multi-year revenue and expenditure forecast and identify the fund or other municipal financing source for each proposed project. The program and financial plan should be reviewed and updated annually to reflect changes in the community's needs, priorities, and resources.</p> <p>Notice of the annual hearing must be posted at least two weeks before the hearing date. In addition, the committee must publish a hearing notice in a newspaper of general circulation in the community for each of the two weeks before the hearing date.</p> <p>CPA appropriations fall into two categories: (1) for the CPC's administrative or operating budget; and (2) for eligible community preservation asset projects. Alternatively, debt service, committee administrative and other expenses to be financed with annual CP Fund revenues may be included in the community's omnibus budget. The community preservation budget should account for the commitment of funds for these expenditures, however.</p>	IV. D. P. 14-15

Annual CPC Administrative & Operation Expenditures	<p>Allowable</p> <ol style="list-style-type: none"> 1. Clerical support 2. Direct administrative support services wages. 3. Office supplies 4. Newspaper advertisements 5. contractual or consulting services assisting CPC including: <ol style="list-style-type: none"> i. feasibility studies, ii. assessments, iii. appraisals, iv. preliminary plans related to a proposed project under consideration by the CPC. 6. Funding historic resources or affordable housing inventories or historic preservation plans or affordable housing plans or similar plans to assist CPC. 	<p>Prohibited/Ineligible</p> <ol style="list-style-type: none"> 1. Salaries, wages, or benefits 2. indirect costs incurred by other general government departments. 3. studies to determine if a particular property is an historic resource 4. Costs of studies, assessments, plans, or other information required in seeking the designation of a historic district (with a caveat). 5. Costs of feasibility studies, assessments, appraisals or plans unrelated to the CPC's statutory duties or a proposed CP project or related to a project which is not eligible. 6. Supplemental costs of a community preservation project approved by the legislative body. A transfer of funds from one appropriation to another, in this case from the CPC administrative appropriation to a CP project appropriation, requires approval of the legislative body upon a CPC recommendation. G.L. c. 44, § 33B. 7. Contracted services to implement a particular community preservation project approved by the legislative body, for example, contract legal services regarding the acquisition of a particular parcel of land or architectural services regarding the preparation of construction documents for creation of a community housing development. Such project expenses, together with any other acquisition or construction expenses, must be paid from the project's appropriation, not from the CPC's administrative budget. 	V.B.1. p 17 - 18
Projects	<p>The CPA clarifies allowable community preservation project expenditures through its definitions. (1) See G.L. c. 44B, § 2 for CPA definitions. (2) "Creation" is not defined in G.L. c. 44B, § 2, but was defined by the court in the case of Seideman v. City of Newton, 452 Mass. 472 (2008) to mean "to bring into being or to cause to exist."</p>	See definitions	V.B.1. p 20
Related Project Expenditures	<p>(1) Annual principal and interest payments on bonds and notes issued pursuant to G.L. c. 44B, § 11 for allowable community preservation purposes.</p>		V.B.1. p 20-21

	<ul style="list-style-type: none"> (2) Damages payable to property owners for real estate interests taken by the city or town pursuant to G.L. c. 44B, § 5(e) by eminent domain for community preservation purposes. (3) Matching funds for state and federal grants for allowable community preservation purposes. Participation in the community preservation program does not affect the eligibility of the city or town to receive funds from any other state grant programs. G.L. c. 44B, § 14. (4) Property acquisition-related expenses, including: <ul style="list-style-type: none"> (a) Appraisal costs. (b) Expenses for title searches. (c) Closing fees. (5) Preparation, issuance, and marketing costs for bonds or notes for borrowings made for community preservation purposes. (6) Payments to a nonprofit organization to hold, monitor and enforce usage restrictions on real property acquired with community preservation funds. G.L. c. 44B, § 12(a). 		
Minimum Annual Commitment	<ul style="list-style-type: none"> 1. Each fiscal year, upon the recommendation of the CPC, the legislative body must appropriate or reserve for future appropriation at least 10 percent of the annual fund revenues for projects in each of the three community preservation asset categories. 2. The 10 percent minimum commitment should be based upon a good faith estimate of the annual fund revenues. 3. If underestimations are more than a de minimis amount, the CPC should, when circumstances allow, recommend an appropriation by the legislative body to reach the required 10 percent. 4. If an appropriation was made to meet the annual 10 percent minimum commitment and the appropriation is not fully expended for one reason or another (the project does not go forward or the project was completed at a cost substantially less than the appropriation) 		V.B.1. p 22

	<p>and this results in spending or reserving for that year that is materially less than the required annual 10 percent minimum commitment in that category, then the CPC should, when circumstances allow, recommend an appropriation or reservation by the legislative body to reach the required 10 percent minimum for that category for that year.</p> <p>5. Annual debt service expenditures for CPA borrowings count toward meeting that year's 10% minimum for the applicable category.</p>		
Grant agreements	<p>It is recommended that a community, in consultation with its legal counsel, develop and utilize a community preservation fund grant agreement to ensure completion of an approved project and implementation of the project's community preservation purpose. This is particularly important if a grant is made to a non-municipal department, individual, private or non-profit entity, or any entity, agency or grantee over which the municipality has no legal control, to protect the municipality's investment and ensure implementation of the project's purpose and compliance with the Anti-aid Amendment to the Massachusetts Constitution, if applicable. (See Section V-C-5 below, Prohibited Expenditures, for more information on the Anti-aid Amendment.)</p> <p>Communities should consider, as appropriate, the following provisions in grant agreements: name of grantee; nonassignability of grant (without advance written approval of municipality); detailed description of any restoration, rehabilitation or other work to be performed by the grantee; construction specifications and standards; relevant historic rehabilitation standards; time periods for performance; total project budget and listing of all funding sources required for project completion; requirement for commitment of total project funding sources before release of CPA funding; designation of who will inspect and approve any required work; provision for periodic release of funding payments as work is completed and approved; return of grant</p>		

	<p>funds not used to the CP Fund; grantee reporting requirements; grantee matching fund requirements; timing of execution, delivery and recording of required community preservation restriction documents or easements for public access/use; remedies for any breach or nonperformance of grantee, including return of CP funds; designation of responsibility for continued maintenance of assets or improvements funded with CP funds; any other requirement or condition of the grant.</p>		
Recordkeeping	<p>The CPC is responsible for maintaining records relating to the use of the CP Fund. G.L. c. 44B, § 13. These records are subject to disclosure as public records. G.L. c. 66, § 10; G.L. c. 4, § 7, Clause 26.</p> <p>1. Recommendations: The CPC must keep a record of its recommendations to the legislative body and the specific action taken on them.</p> <p>2. Expenditures: The CPC should track all appropriations and expenditures made from the CP Fund. The municipal clerk certifies all appropriation votes, and the accounting officer maintains the official financial records of the municipality. The CPC should periodically monitor spending from the fund, however, in the same manner as department heads review monthly reports from the accounting officer on the status of their budgets.</p> <p>3. Property Interests: The CPC must maintain an inventory of all real property interests acquired, disposed of or improved by the community after recommendation of the committee. The inventory must contain, at a minimum, the names and addresses of the grantors and grantees, the amount of consideration and all relevant action dates. It should also reference all documents related to acquisitions, dispositions, and improvements, such as purchase and sale agreements,</p>	<p>See IX. ANNUAL REPORTING REQUIREMENTS</p> <p>P. 38</p>	<p>Section IV.e. Page 16-17</p>

	<p>deeds and permanent restrictions on acquired property interests. G.L. c. 44B, § 12(a).</p> <p>4. Reporting: The community's annual reporting requirements under the CPA are described in Section IX below. The CPC should coordinate with applicable municipal officials to provide the information required by such reports and ensure that annual reports are timely filed.</p> <p>Under G.L. c. 44, § 55C(a),(c)(1), a municipal affordable housing trust is required to expend any CP funds it receives only for allowable CP community housing purposes under G.L. c. 44B, § 5(b)(2), account for such funds separately and, at the end of the fiscal year, report the expenditure of such funds to the CPC for inclusion in the community preservation initiatives report, Form CP-3, described in Section IX below.</p>		
Prohibited Expenditures	<p>Fund monies may not be spent:</p> <ol style="list-style-type: none"> 1. To supplant funds being used for existing expenses, even if they serve community preservation purposes. The CP Fund is a supplementary funding source intended to increase available resources for community preservation acquisitions and initiatives. G.L. c. 44B, § 6. 2. To pay for maintenance of any real or personal property. G.L. c. 44B, § 5(b)(2). See definition of "maintenance." G.L. c. 44B, § 2. 3. For the acquisition of artificial turf for athletic fields. (Applies to projects approved on or after July 1, 2012.) G.L. c. 44B, § 5(b)(2). 4. For horse or dog racing or the use of land for a stadium, gymnasium or similar structure. G.L. c. 44B, § 2. 		

	<p>5. In violation of The Anti-aid Amendment to the Massachusetts Constitution, Mass. Const. Amend. Article 42, § 2, as amended by Article 103, which provides in relevant part:</p> <p>A three-factor test to determine the constitutionality of grants challenged under the first clause of the Anti-aid Amendment was developed by the court in Commonwealth v. School Comm. of Springfield, 382 Mass. 665, 675 (1981).</p> <p>Whenever a grant of community preservation funds is being considered for a private organization or individual or entity over which the city/town has no legal control, municipal counsel should be consulted to ensure compliance with the Anti-aid Amendment and relevant case law. (See also Section V-B-2-e above, for information on requiring grant agreements if the recipient is not a municipal department.)</p>		
Community Preservation Fund		Legislative Body Vote : A recommendation of the Community Preservation Committee and approval of the legislative body by a two-thirds vote is required to authorize a borrowing. G.L. c. 44B, § 11 and G.L. c. 44, § 2. The vote should specifically state that the borrowing is pursuant to G.L. c. 44B, § 11	Section 6 Funds. P. 24-31
COMMUNITY PRESERVATION PROPERTY		<p>Disposition</p> <p>E. The proceeds obtained from the disposal of any real estate interest acquired with monies from the CP Fund must be credited to the Fund. G.L. c. 44B, § 7(iv). If the original financing source for the acquisition was restricted, i.e., from the open space special purpose restricted reserve, then the disposition proceeds should be credited to that special purpose restricted reserve.</p>	

Attachment 7. Existing Affordable Housing Eligibility Information

See also <https://www.communitypreservation.org/existing-housing>)



PH-Notice-2013-14.p

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Commonwealth of Massachusetts To: DEPARTMENT OF HOUSING & COMMUNITY DEVELOPMENT Deval L. Patrick, Governor v Timothy P. Murray, Lt. Governor v Aaron Gornstein, Undersecretary PUBLIC HOUSING NOTICE 2013-14 All Local Housing Authorities From: Re: Date: Lizbeth Heyer, Associate Director Division of Public Housing and Rental Assistance Utilization of CPA Funds for Preservation of Existing Public Housing Units May 30, 2013 Many Housing Authorities have inquired about the potential for using Community Preservation Act ("CPA") funding for work on existing public housing units, and some confusion on this topic exists among municipalities. DHCD has reviewed the CPA statute as it applies to such work and is providing this notice to help clarify the type of activities that it believes would be appropriate for CPA funding and those activities that would not be appropriate. Please note that this guidance is advisory in nature and is not binding on your community. Section 5(b)(2) of the Community Preservation Act, MGL chapter 44B, provides that community preservation funds may be utilized "for the acquisition, creation, preservation and support of community housing provided, however, that funds expended pursuant to this chapter shall not be used for maintenance." State public housing meets the definition of "community housing", namely, "low and moderate income housing for individuals and families, including low or moderate income senior housing." It is important to note that both the recreational use and historic preservation provisions of the CPA provide for "rehabilitation" of those resources with CPA funds, the former through a CPA amendment signed into law in 2012. However "rehabilitation" of "community housing" is not a permitted use of CPA funds. The legislature's original intent for CPA was to spur the creation of additional affordable housing units in the Commonwealth, and with that in mind, CPA was passed with a specific prohibition on rehabilitation activities on existing community housing units (unless those units were acquired or created with CPA funds). While activities classified as "rehabilitation" are not allowed, "preservation" work on existing community housing resources is allowed. In general, work that protects the housing structure (not residents) from future injury, harm or destruction is permitted under CPA. 100 Cambridge Street, Suite 300 Boston, Massachusetts 02114 www.mass.gov/dhcd 617.573.1100 Preservation Activities (appropriate for CPA funding) Preservation is defined in Section 2 of the CPA as "protection of personal or real property from injury, harm or destruction." The following is a partial list of activities related to existing community housing units that DHCD believes could be classified as "preservation" and funded by CPA monies: - - - - Building envelope and site work to preserve the structural integrity of the housing Roof, siding and window replacements to assure the water tightness of the housing Upgrading of dangerous electrical or plumbing services Replacement of dangerous building systems which threaten the housing units Installation of hard-wired smoke alarms, sprinklers and other building fire suppression systems Rehabilitation Activities (not allowed with CPA funding) Rehabilitation is defined in Section 2 of the CPA as "capital improvements, or the making of extraordinary repairs, to...community housing for

1 the purpose of making such...community housing functional for their intended uses, including, but not
2 limited to, improvements to comply with the Americans with Disabilities Act and other federal, state or
3 local building or access codes.” The following is a partial list of activities that DHCD believes do not rise
4 to the level of “preservation,” but are more properly described as “rehabilitation” and therefore not
5 appropriate for CPA funding: - - - - Replacement of kitchen cabinets The installation of more energy
6 efficient windows (if not necessary to assure the water tightness of the housing), building systems (if not
7 necessary to assure the on going safety of the building) or appliances. Improvements solely needed to
8 comply with ADA and other federal, state or local building or access codes Installation of generators
9 primarily for the comfort and safety of residents in power outages Repaving or repair of parking lots and
10 walkways Maintenance Activities (not allowed with CPA funding) Maintenance is defined in Section 2 of
11 the CPA as “incidental repairs which neither materially add to the value of the property nor appreciably
12 prolong the property’s life, but keep the property in a condition of fitness, efficiency, or readiness.” The
13 following is a partial list of common maintenance activities which would not be appropriate for CPA
14 funding: - - Outside landscaping or tree work Cleaning services or other ongoing services to the housing
15 units - The painting and refinishing of walls and floors Mixing CPA funding with other sources of funding
16 In some cases a housing authority may wish to pursue modernization projects that include both
17 preservation work allowed by the CPA (for example, the replacement of deteriorated and leaking
18 siding), and other work that does not meet the preservation standard (for example, exterior wall
19 insulation). Such projects are acceptable as long as the LHA tracks the cost of the allowable scope
20 through a reasonable means of cost estimating, and only uses CPA funding for the allowable portion of
21 the project cost. Applicable soft costs should be fairly apportioned. The balance not covered by CPA
22 funds may be funded by Formula Funding, operating reserves (if approved), or other allowable sources.

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Attachment 8. Town of Bridgewater End of Year Fiscal Encumbrance Policy and Form



Town of Bridgewater
Year end encumbranc

TOWN OF BRIDGEWATER

GENERAL YEAR END ENCUMBRANCE PROCESS

At June 30 each year, the Accounting department must record encumbrances and accounts payable to reflect all transactions of the operating budget of that fiscal year. The operating budget should be the amount needed to run a department for one year.

Each Department Head is responsible for keeping track of encumbrances. On date determined by Accounting of July a detailed list of these unperformed contracts must be submitted to the Accounting department.

Invoices for accounts payable can be submitted for payment through July 15 of the following fiscal year. By date determined by Accounting a detailed list of goods received or services performed prior to June 30, but not paid as of July 15, must be submitted to the accounting department.

The detailed list of encumbrances and accounts payable must include the account number, the balance available in the account before any encumbrances, the vendor name, description of purchase or project, and dollar amount.

DEFINITION OF ENCUMBRANCE

An encumbrance is a commitment to expend funds for unperformed contracts for goods and services. The commitment must be evidenced by a purchase order, procurement form or written contract between the Town and a vendor. End of year encumbrances usually occur because goods have not been delivered or the services of a contract have not been completed by June 30 of the fiscal year in which the PO or contract was signed.

Encumbrances cannot be used for an undetermined liability that might occur in the future because of something that happened in this fiscal year.

DEFINITION OF ACCOUNTS PAYABLE

Accounts payable differs from encumbrances in that the goods have been received or the service has been performed prior to June 30 (but the invoice has not been received in time to process in the final warrant of the fiscal year.) Typically, this is clearly reflected on the invoice since invoices usually specify the dates of service or delivery.

PAYING BILLS IN THE NEW FISCAL YEAR

In the "new" fiscal year, when paying invoices for encumbrances and accounts payable, place these bills on a separate Batch. During the month of July, current fiscal year bills should be limited to essential payments (health insurance, debt payments.) The accounting office will issue a date in which the upcoming fiscal year bills can be submitted.

Year end encumbrances.DOC .



FY 2023
Encumbrance Blank Fi

Town of Bridgewater							Dept Manager
Encumbrances							Approval
Fiscal 2023							Date
30-Jun-23							
Dept Name	Dept#	Vendor Name	Amount Due	Date of Services/ Agreement/ Contract / Ordered	Product/Services/Expense Desc	GL Account #	GL Account Desc



CPC Project and
Administrative Account

Attachment 8: CPC Project and Administrative Account closeout procedures

Project Closeout Policy: Every CPA funded project appropriated by the Town Council or by the CPC under its Administrative Account must be closed by a CPC vote. This includes projects awarded to the Town and grants awarded to non-Town entities. Closure of CPA projects by the Town Council is not required.

Closeout Procedures: The following procedures must be followed to close an awarded CPA project or expense account.

1. The “project” must be conducted under a voted appropriation. Projects are characterized as a CPC recommended and a Town Council appropriated expense or a CPC Administrative Account expense.
2. Project funds must be encumbered by the Finance Department.
 - a. Encumbrance votes must be provided to the Town’s Finance Department by a vote of the Town Council to appropriate and reserve funds for a specific project.
 - b. An encumbrance under the CPC Administrative Account is demonstrated by a vote of the CPC to fund a contract issued by the Town to support a CPC Administrative activity, a purchase order between a vendor and the CPC, or add other characterization such as a budgeting agreement between a vendor and Town procurement Officer (e.g., a record of intent to purchase services, goods, etc.). These must be submitted to the Finance Department by the CPC Chair.
3. Project activities are monitored by the CPC under a Grant Agreement (non-municipal projects) or an Award Letter (municipal projects). A CPC project liaison is appointed by the CPC to:
 - a. monitor activities and progress against the awarded scope.
 - b. review all invoices for compliance with award/grant scope and appropriate expenditure of CPA funds.
4. The CPC is notified of project completion through the CPC’s final project report (report requirements defined in the Grant Agreement or Award Letter) or receipt of services, materials, etc. under the Administrative Account. Notifications must include the amount of any unspent funds.
5. The CPC Chair presents the final report to the CPC for:
 - a. Review and approval by a CPC vote to close the project.

1
2 6. Upon a CPC vote to close the project, the CPC Chair notifies the Finance Department and Town Manager
3 to close the project as:
4 a. Complete with all funds expended.
5 b. Complete with a budget underrun, if any, and request to transfer unexpended funds to the CPA
6 accounts from which the fund(s) were originally awarded.
7
8 7. The Finance Department closes the project and notifies the CPC Chair and Town Manager of the
9 completed closure.
10 Appropriated, unspent funds for services, goods, etc. awarded under the Administrative Account in a given
11 fiscal year may be carried into a subsequent fiscal year if the CPC Chair notifies the Town's Finance
12 Department though its standard end of year encumbrance and accounts payable policy and procedures.
13 Entities recommended to receive funding from the Administrative Account by majority vote of the CPC will be
14 notified of the award amount and scope of services via email from the CPC Chair (with copies to the
15 Administrative Assistant, Finance Director, and Town Manager). The Town will establish formal contract
16 mechanisms with the award entity no more than 30 days after the CPC award vote. The award recipient will
17 notify the CPC Administrative Assistant and CPC Chair of award receipt and deliver scope and schedules to
18 the Town's procurement officer for processing. Draft and final reports will be submitted to the CPC Chair and
19 Administrative Assistant for CPC review and acceptance.
20

Attachment 9. Policy On Use of the Town of Bridgewater's Seal



Town of Bridgewater

Office of the
Town Clerk

*66 Central Square, Academy Building
Bridgewater, Massachusetts 02324*

Marilee Kenney Hunt
Town Clerk

Office 508-697-0921
Direct 508-659-1220
mkhunt@bridgewaterma.org

Massachusetts General Law Chapter 40 §47 designated the Town Clerk "keeper of the Seal":
Section 47. Each town shall have a seal, established at a town meeting, to be kept by the town clerk. Papers or documents issued from any office or board of the town may be attested therewith. Cities which had an authorized seal in use on May tenth, eighteen hundred and ninety-nine, may continue to use such seal until changed by ordinance, and other cities shall by ordinance establish a seal of the city and designate the custodian thereof.

Following is the Bridgewater Town Clerk's official policy establishing who may use reproductions or facsimiles of the Town Seal and under what conditions.

Bridgewater Town Seal Policy

A reproduction or facsimile of the Bridgewater Town Seal may be used by town officers, boards, commissions or committees on official business documents including letterheads, warrants, meeting agendas and minutes, general correspondence, special reports and official publications.

Reproductions of the Town Seal may also be used on town vehicles, plaques prepared under the auspices of the Historical Commission or the Historic District Commission for placement in or on town buildings or historically designated sites, public parks or on banners, flyers, plaques, citations or other paraphernalia used during officially-sanctioned, public, civic celebrations honoring events, groups or individuals.

Approval for use of the Town Seal shall be obtained from the Town Clerk and a log of such approvals shall be maintained by the Town Clerk. Approvals are perpetual unless rescinded for cause.

No reproduction or facsimile of the Town Seal shall be used without documented permission from the Town Clerk. The Town Seal shall not be used by private persons or organizations, e.g., parent-teacher associations, private membership groups, political organizations, non-partisan or political campaigns, etc.

Massachusetts General Law Ch 268 §35: *Whoever, without being duly authorized thereto, prints, stamps, engraves or affixes, or causes to be printed, stamped, engraved or affixed to any paper or other article a representation of the seal of a town in the commonwealth, with intent to give to such paper or article an official character which it does not possess, or, without being duly authorized thereto, and with intent to assume an official character which he does not possess, casts, stamps, engraves, makes or has in his possession a badge or thing in the likeness of an official badge of a police officer, member of a fire department, or other officer appointed by a town in the commonwealth, or by any department of such town, shall be punished by a fine of not more than fifty dollars.*