

COMMONWEALTH OF MASSACHUSETTS

Middlesex, ss.

Superior Court Department
Civil Action No. 1681CV01933

GEORGE CAPLAN, *et al.*,)
 thirteen taxable inhabitants, citizens-taxpayers of)
 Acton, Massachusetts,)
 Plaintiffs,)
 v.)
 TOWN OF ACTON, MASSACHUSETTS,)
 inclusive of its instrumentalities and the)
 Community Preservation Committee,)
 Defendant.)

AFFIDAVIT OF STUART SAGINOR

I, Stuart Saginor, state under oath as follows:

1. I am the Executive Director of the Community Preservation Coalition, 10 Milk Street, Suite 810, Boston, MA 02108 (the “Coalition”). I am charged with implementing the Coalition’s mission and managing the Coalition’s activities, and I have personal knowledge of the matters stated in this Affidavit.

2. The Coalition was formed in the 1990s with the goal of achieving passage of the Community Preservation Act (the “CPA”). This goal was met in 2000, when the local-option statute was signed into law. Seven statewide organizations have representatives on The Coalition’s Steering Committee: The Trust for Public Land, Massachusetts Audubon Society, The Trustees of Reservations, Citizen’s Housing and Planning, Massachusetts Affordable Housing Alliance, The National Trust for Historic Preservation and Preservation Massachusetts.

3. The mission of the Coalition is to help Massachusetts municipalities understand, adopt and implement the CPA.

4. In addition, the Coalition has a searchable copy of the state database of CPA-funded projects on its website. The Massachusetts Department of Revenue (“DOR”) requires cities and towns to annually input their approved CPA projects to the online state database.

Historic Preservation Under the Community Preservation Act

5. As one of the four permitted uses eligible for CPA funds, historic preservation is at the heart of the CPA’s mission to help cities and towns to preserve their cultural features and to enrich the character of their communities. Historical preservation protects the Commonwealth’s rich history and heritage. It is of particular importance given Massachusetts’ role in the founding of the country.

6. The CPA authorizes communities that accept the statute to create a local Community Preservation Fund from which local legislative bodies may appropriate money for historic preservation projects. The CPA also creates a matching Community Preservation Trust Fund administered by DOR through which communities receive matching distributions.

7. Non-public entities, such as non-profits, museums, and religious institutions have received a significant portion of the over 4,000 historic preservation grants that are included in the state database.

8. Many communities that have adopted the CPA provide grant funding to non-public entities.

9. Dozens of communities have appropriated CPA grants for historic preservation projects on historically significant buildings that are used for churches and other religious institutions, both former and active. Providing funding for such projects is a critical part of preserving historic assets in the Commonwealth.

10. In fact, the Coalition provides a technical bulletin on such appropriations, which is available at <http://www.communitypreservation.org/churches>. The technical bulletin states that such grants do not violate the Anti-Aid Amendment as long as the CPA funds are used for a public purpose, such as to acquire a historic preservation restriction.

11. Acton has a reputation for diligently adhering to the CPC's recommended best practices for funding non-public projects with CPA money. It is my understanding that Acton ensures that CPA funds are expended only on items within the scope of the approved CPA application by providing the funding as a reimbursement and only upon presentation of invoices detailing the work. Furthermore, for non-public historic preservation projects, it is my understanding that Acton typically obtains a historic preservation restriction on the funded property.

Signed under the penalties of perjury this 27th day of July, 2016.

Stuart Saginor, Executive Director
Community Preservation Coalition