

Did the CPC consult Town Counsel prior to approving the two CPA articles submitted by local churches?

The CPC has been working with counsel on the concerns related to a religious institution serving as an applicant for CPA funds. At the beginning of this year when First Baptist Church and the First Parish Church submitted requests, Town Counsel Dave Tobin developed a framework for the CPC to use to evaluate the projects within the context of the Massachusetts Anti-Aid Amendment (Article of Amendment XVIII to the Massachusetts Constitution) and the SJC's recent decision concerning CPA grants to churches. The CPC followed this framework along with guidance provided by the Community Preservation Coalition to determine eligibility on these projects this year at their January meeting, and continued to utilize that framework in evaluating the project up to and including their final votes to recommend approval of these projects to Town Meeting. Additionally, Special Counsel Chris Heep has worked with the CPC to develop grant agreements that are intended to be used with proponents should either of these projects be approved at Town Meeting. Special Counsel has been consulted and is able to speak to these articles at Town Meeting should any questions be presented.

What was the guidance that the CPC used in deciding on the two projects proposed by local churches?

Dave Tobin provided these guidelines below in January 2020.

The following are issues that the CPC should resolve when deciding if the Baptist Church request violates the anti-aid amendment (Article of Amendment XVIII to the Massachusetts Constitution). The same criteria can be used if another church applies for a CPC grant.

- Determine if there is an improper motivating purpose of aiding the church.
- Whether the grant is for the purpose maintaining or aiding the church to carry out its essential function.
- Whether the effect of the grant substantially aids the church, allowing money saved to be used to support its core religious activities and, in effect, underwrite its function as an active house of worship.
- Whether the grant of public funds to the church infringes upon taxpayer's liberty of conscience, entangling government with religion, threatening civic disharmony and restricting the church's ability to make future alterations without the town's approval.
- Whether the purpose of the grant is to support or aid the church or is it to maintain the historic value of the building.
- Whether the grant is of such an amount that the assistance it provides the churches is merely "minimal" or is it substantial assistance to the church.
- To what degree will the grant assist the church in carrying out its essential function.
- Whether the grant will assist the church in its "essential enterprise" as an active house of worship.
- Whether the grant will help defray the restoration costs that the church would have to shoulder on its own, allowing the money saved to be used to support its core religious activities.
- Whether the grant avoids the risk of the political and economic abuses that prompted the passage of the Anti-Aid Amendment.
- Whether the grant will be used to renovate the church where it conducts its worship services.
- Whether the grant will be used to renovate explicit religious imagery.
- Whether historic events of great significance occur in the church.

Additionally CPC reviewed guidance provided by the Community Preservation Coalition.

https://www.communitypreservation.org/sites/g/files/vyhlif4646/f/uploads/historic_flowchart_for_cpa_projects.pdf

Have other communities used CPA funds to support religious projects since the 2018?

Yes, the Community Preservation Coalition keeps a record of all funded projects on their website. If you see link below, there are several church projects that have been funded in the past 2 years.

<https://www.communitypreservation.org/databank/projectsdatabase/access>

Has Needham used CPA funds to support non-Town projects?

Yes, the Town has funded projects for Charles River Center, Needham Housing Authority, Needham Historical Society, and Needham Community Farm. All projects can be viewed at

<http://needhamma.gov/446/List-of-Approved-Projects>.