

Community Preservation Committee

Town of West Newbury

Minutes of Meeting

February 20, 2020 7:30 p.m.

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Attendance:

Sherry Pruyn, Judith Mizner, Robert Janes, Gary Bill, Raymond Cook, William Bachrach, Richard Parker

Angus Jennings, Ex Officio member (full board)

Town Clerk, Town Counsel and Procurement Officer: Michael McCarron

Minutes: Mary DiPinto

Residents: Tricia Sabulis, Ashley Davis, Kristy Arredondo, Lynne Clinch-McLaughlin, Jennifer Reardon, Rachel Jones, Amy Wilson and Grace Torrance.

Reporter: Jen Solis

The meeting was called to order at 7:35 p.m. by Chairman Pruyn.

Continued review of Application for Funding, Page School Accessibility Improvements submitted by the Board of Selectmen; Angus Jennings, Town Manager representing the applicant.

Angus Jennings presented a Power Point presentation of the current condition of the playground and the known issues of this project. First of all the playground does not meet American With Disabilities Act requirements. Secondly there is a big problem with stormwater management which renders the playground unusable for at least 4 months out of the year according to the School Principal and the School Superintendent. Under the terms of the Regional School District Agreement any expenditures above \$10,000.00 are considered Capital Expenses and are the responsibility of the Town. Angus provided a red lined updated application to highlight changes made since the June meeting. (Copy contained in the Agenda Packets). The current status of the project is 20% smaller in square footage (down from approximately 8,400 feet to 6,100 feet) and the Tower is shorter (down from 12 feet to 8 feet). Angus reviewed some of the student's ideas for what they would like to see in the playground. Answers ranged from swings that are not broken, a rock wall, a ramp for wheelchairs and crutches, different sizes of Monkey Bars, and a Zip Line (which will not be a part of this proposal). So far reductions in cost have come from the reduction in the Tower and removing a redundant swing set (approximately \$28,000.00). The cost of the equipment has been reduced from \$229,255.00 to \$201,068.00. Another cost reduction could occur if the ground surface were changed to poured in place with a bark mulch surface. Angus reported that this option would compromise the durability of the project over time. The equipment cost estimates have been provided by O'Brien and Sons, a company specializing in design and construction of ADA compliant playgrounds. This vendor is prequalified on the vendor list of the Massachusetts Higher Education Consortium of which the Town is a member. At this time the estimate is based on a proposal as there is no budgeted amount to pay for this project. Angus

has supplied a timeline contained in the report in the Agenda Packets and at present if approved this project would be completed by Thanksgiving. The next steps would be to seek approval at the Special Town Meeting, design work and vendor selection. The contract would then be executed. In addition, the State Grant originally earmarked for the Library which was not needed has been approved for this project through Representative Lenny Mirra and Senator Bruce Tarr. These funds would be used to pay the cost of the swing set which was removed from the original application to achieve cost savings. The Board of Selectmen has approved a Page School Playground Gift Account to receive donations.

Member Judith Mizner remembered that when this project was discussed in January that there would be at least 3 proposals submitted with different alternatives. Angus reported that he had a difficult time getting the proposal from O'Brien and Sons as vendors want to know whether there will be a real project to bid. At this time this project has not been approved by the voters at Town Meeting. He stated that if a smaller budget emerges the Town will do the best it can with the budget provided.

Member Bill asked about the life expectancy of the equipment. Angus replied that the equipment is guaranteed for 10 years if it is properly maintained. The expectancy is 20 years or more. Member Bill also inquired as to the disposal and whether it would be considered hazardous and need to be treated like other hazardous materials such as tires.

Member Cook expressed concern that cutting the amount funded by \$28,000.00 would affect the project. His feeling is that this is an expensive proposal and that if we are going to do it that the project should be done correctly. Angus replied that all that is being cut is the redundant swing set which is a single structure.

Member Cook stated that the big expense is the drainage issue. Angus replied that the playground would be graded up and would be taken up under site plan review. In addition there would need to be a proper accessible path to the play area. He also reported that Wayne Amaral, DPW Director went on a site review with a civil engineer. Member Cook also stated that the bigger Tower and bigger slide could be purchased for not much more money. He also stated that a French Drain could be installed to drain the water off.

Member Bachrach asked members Cook and Bill for their opinions on the drainage issue. Member Bill stated he believes the drainage should be a leach bed underneath and should drain towards the back of the area. Member Cook is of the opinion that there may be issues with frost and frost heaves. He suggested that the water needs to be drained away from the area. Member Bill is of the opinion that the amount of the project is high and he feels that everything should be done right. Angus stated that the number was an informal quote. He also stated that the DPW could do some of the work such as removal of the old equipment and site prep work to save money.

Member Parker stated that there is a disclaimer that if the company didn't do the site work they do not guarantee the project. He suggested using a hybrid, having DPW do the removal of the old equipment before the installation.

Member Bachrach inquired as to whether or not there were funds in the Town Budget to maintain the equipment after installation. Member Bill stated that the maintenance should be done by a school staff member. The staff person assigned to maintain the equipment must be certified.

Member Cook inquired about other communities that have installed this equipment to see how it is holding up. Angus stated that he has been in contact with the communities of Groveland, Woburn and Newburyport. Member Cook then asked if contact has been made with any community that has had the

equipment for 5 to 10 years for a hands on opinion. Also, having several bids from other companies for conceptual plans and equipment would be helpful. Voters at Town Meeting want to know if they could get the equivalent, what are the voters getting for their money.

Member Parker stated that it might be difficult to get detailed quotes prior to having funding for the project available.

Member Mizner asked if the cost for this project is comparable to other playgrounds in the area. Angus stated that Groveland and Woburn are in line with this proposal. She also stated that mulch is not a good idea as it does not stay in place.

Member Bachrach noted that the parents have put a lot of work into this project.

The Board members asked who would decide if three competitive bids were received for the project. Procurement Officer Michael McCarron stated that the Board of Selectmen as owners of the property. The difference with this project would be labor. It is also acceptable to name one company as O'Brien and Sons has already been bid by the State. He also stated that you can negotiate with O'Brien and Sons to receive a lower price than what is bid. Member Parker stated that if there were a choice of bids the stakeholders would be asked for their feedback. He also believes that if other equipment is considered it should be assessed qualitatively.

Member Mizner asked what amount would be left if this project was recommended. Angus replied that the amount would be approximately \$1,500,000.00 in the Undesignated Fund.

Motion was made by Member Mizner that the Board approve funding of \$462,857.00 to come from Undesignated Fund Balance for the Page School Accessibility Improvements with a condition that any funds from Fundraising and Grants be removed from the amount funded. Motion seconded by Member Cook.

Motion was made by Member Cook to increase the amount to \$475,000.00 which was not seconded.

Discussion: Fundraising should be used for items such as shade trees and benches.

Yes 6, No 1 (Pruyn)

Review of Administrative Funding for the balance of Fiscal Year 2020.

Angus Jennings, Town Manager provided a memo of the balance of funds in the Committee's Budget.

The memo is contained in the Agenda Packets.

He also stated that if funds were needed \$1,100.00 could be used from the Carr Post Account.

Notice of posting of CPC Administrative Assistant position.

Memorandum from Town Manager and Job Description contained in Agenda Packets.

Angus reported that the Office Administrative Assistant position has been posted and will remain open until the position is filled. Members Pruyn and Mizner volunteered to be a part of the hiring process. Angus stated that he could not have a quorum present as this would be in violation of Open Meeting

Law. Town Counsel Michael McCarron advised that Angus could seek the opinions of members (less than a quorum) and this would not be a violation.

Continued review of proposed amendment to CP Committee Bylaw, XXXVI.

Member Cook asked if the committee would be taking on the role of hiring and asked if that was the intent of this amendment.

Member Mizner replied that it is the intent. She stated that some of the members of the Committee have a number of years on the Committee and know what the needs are.

Member Jennings asked what the rationale was.

Member Pruyn replied that it was finding someone with adequate knowledge and being a part of the interview process. Other boards are able to make appointments I don't see why we can't.

Member Cook commented that he is torn on this issue as he is seeing both sides. The Planning Board hires its own administrator and he felt it worked well.

Member Mizner brought the Conservation Commission forward for discussion. She is of the opinion that the administrator should be hired by that Board or Committee as the person would be working with that Board or Committee.

Michael McCarron, Town Counsel stated that the Planning Board was an Elected Board. The Conservation Commission authority to hire is Statutory Authority.

Angus stated that he is just trying to do the job he was hired to do. Unless otherwise stated he is the hiring authority as Town Manager.

Member Pruyn stated that she felt the Administrator should be arms length from the Town Manager. This committee is special and should have the right to determine the appropriate person. Jean the former administrator was put upon. She also stated that she found Angus to be biased and that there is a lack of transparency. Several Board members agreed that Jean was extremely structured, organized and well documented. She also knew eligibility and funding of the projects. Member Mizner stated that she gave the committee the benefit of her experience and knowledge. She would preview and obtain missing information.

Angus agrees that a thorough completeness review is necessary. The job description sets out the guidelines of the committee. He also mentioned that there are areas of learning and training opportunities available.

Member Mizner stated that she was not making any comment regarding bias or lack of transparency.

Angus stated that this was a serious assertion and that he wants to understand whether that represents the majority of the Board.

Angus stated that he felt it highly inappropriate to discuss personnel matters in a public meeting.

Motion was made by Member Parker that we accept the draft Amendment. Seconded by Member Cook.

Yes 3 (Members Janes, Mizner and Pruyn)

No 4 (Members Bill, Bachrach, Parker and Cook)

Motion Fails

Minutes of Meeting January 16, 2020 (Pending)

Motion was made by Member Mizner, seconded by Member Pruyn to table minutes until the next meeting.

Yes 7, No 0.

Report of Vouchers Signed under the Municipal Modernization Bill, 57-58.

Invoice dated 1/23/2020 from the Community Preservation Coalition in the amount of \$1,750.00 was unanimously approved.

Recommended method of budgeting for estimated FY 21 debt service associated with Soldiers & Sailors Building Preservation and Restoration.

Informational. Memorandum from Angus and Memorandum from Bond Counsel contained in the Agenda Packet. This project has already been approved by the Board. This type of funding is different than other projects approved by the Board and Angus wanted to bring the information forward. The amount that must be budgeted is a full year's Principal and Interest. Angus does not foresee that Bond Anticipation Notes will be converted to Bonds in the upcoming Fiscal Year but the full amount has to be funded under contingency. He believes that there will be an interest only payment in the amount of approximately \$82,000.00 and that any unused funds would be returned.

Discussion of Draft CPC Annual Report prepared for submittal for inclusion in FY 19 Town Report

Member Bachrach would like to see the report break out the amount attributable to Open Space and Recreation Expenses.

Motion was made by Member Bachrach, seconded by Member Mizner. Member Mizner would like this information to be contained in a footnote to the report. Member Bachrach accepts Member Mizner's amendment.

Passed by Unanimous vote.

Motion was made by Member Cook, seconded by Member Parker to approve the CPC report as amended.

Passed by Unanimous vote.

Member Mizner made the motion, seconded by Member Parker to enter Executive Session at 9:57 p.m.

Passed by Unanimous vote.

Executive Session ended at 10:07 p.m.

Motion was made by Member Mizner, seconded by Member Cook to adjourn the meeting at 10:08 p.m.

Passed by Unanimous vote.

Respectfully submitted, Mary DiPinto

These Minutes were approved by the CPC on May 21, 2020.