# COMMUN/TY PRESERVATION COMMITTEE

# TOWN OF WEST NEWBURY

**MINUTES OF MEETING DRAFT**

**April 15, 2021 at 8:00 PM**

**This meeting was recorded for the purpose of preparing Minutes.**

A meeting of the West Newbury Community Preservation Committee (CPC) was held remotely with some committee members in person, April 15, 2021, 2021. Judith Mizner, Chair called the meeting to order at 8:00 p.m. following the Executive Session.

Referencing the Open Meeting Law addendum regarding remote participation in accordance with the Governor's Executive Order due to COVID-19 and as included on the posted meeting agenda.

Mizner, and members, Gary Bill, Bob Janes, Rick Parker, Tim Cronin, Angus Jennings, (Ex-Officio) and Barbara Gard, Administrator were present for this remote meeting.

Wendy Willis the new Parks & Recreation CPC representative was absent. Residents and representatives of project applications were also present.

# CPC Funding Applications

Coffin Street Conservation Area

After discussing the project at previous meetings, and after discussing the Appraisal at the Executive Session earlier this evening, Mizner moved to approve the project for funding. Vote was 4-1 in favor (Parker voting nay). The project was approved for funding and will now go to Town Meeting for final approval

# CPC Draft Language for Articles on Special ad Annual Town Meeting Warrants Special Town Meeting

**Article 3.** To see if the Town will vote to transfer the sum of $104,850 from CPA funds for all costs and expenses pertaining to the repair, restoration and preservation of the West Newbury Town Hall, or take any other action relative thereto. *Requested by CPC and OPW Director.* Vote to approve language was unanimous.

**Article 4.** To see if the Town will vote to transfer the sum of $30,000 from CPA funds for costs and expenses pertaining to the design and construction of an all-access trail, commonly referred to as the "Whetstone Greenway" proposed to be located between River Meadow Drive and Sullivan's Court Extension, or take any other action relative thereto. *Requested by CPC and the Open Space Committee.* Vote to approve language was unanimous.

West Newbury Community Preservation Committee, Minutes April 15, 2021 DRAFT

2

# Annual Town Meeting

**Article 12.** To see if the Town will vote to transfer the sum of $25,000 to conduct an historic sites survey, or take any other action relative thereto. *Requested by CPC and the Historical Commission.* Vote to approve language was unanimous.

**Article 13.** To see if the Town will vote to transfer the sum of $30,000 for costs and expenses pertaining to the design of an all access trail and associated features at the Mill Pond, or take any other action relative thereto. *Requested by CPC and the Open Space Committee.* Vote to approve language was unanimous.

**Article 14.** Place holder for CPC article –for the Coffin Street Conservation Area to transfer the sum of $175,000 of CPC funds for acquisition of an interest in the property. The Select Board is meeting on April 26, 2021 and will finalize the language, which Jennings circulated for approval from CPC members via email.(To see if the Town will vote to raise, transfer and/or appropriate from Community Preservation Act funds, in accordance with the provisions of Massachusetts General Laws Chapter 44B, the sum of $175,000 to purchase the following: 1) a conservation restriction on approximately 30 acres of real estate located to the rear of property located at 28 Coffin Street, being generally described on West Newbury Assessors Map 23 as Lot 4; and, 2) a conservation restriction in conjunction with Essex County Greenbelt Association, Inc. on two parcels of real estate located to the rear of the property located at 28 Coffin Street, being generally described on West Newbury Assessors Map 23 as Lots11 and

12 consisting of approximately 11 acres and 10 acres respectively; said purchases to be subject to approval of the conservation restriction by all parties; and that the Board of Selectmen is to be authorized to execute, acknowledge and deliver all grants, agreement and such other instruments, including, but not limit to, the conservation restrictions in accordance with Massachusetts General Laws Chapter 184 and any other applicable statute or regulation, as may be necessary on behalf of the Town of West Newbury to effectuate the purchases herein mentioned: and to take any other action relative thereto.) *Requested by CPC, the Open Space Committee and Essex County Greenbelt Association, Inc.* Vote to approve placeholder language unanimously approved.

# Review of Citizen Petition Article Regard Soldiers' & Sailors' Funding

Article Request form was submitted by Walter Burmeister who participated via phone/ zoom. The signed petition asks that no further funds be expended on the Soldiers' & Sailors' Renovation until a use is determined for the building. Mizner stated that this is a project which the Town previously approved at Town Meeting and the CPC has no authority to counter that decision. Parker's comments were similar to Mizner's. There is a legal question as to whether any changes can be made to a legally binding vote by Town Meeting. Mizner asked if any of the Committee members feel that they should take a position on this. Parker said it is now beyond the purview of this Committee, Mizner agreed. Cronin also agreed.

West Newbury Community Preservation Committee, Minutes of April 15, 2021 DRAFT

3

Burmeister said he will speak on the project at Annual Town Meeting, on behalf of the Petition. Many members agreed that anyone has the right to speak about this issue either here or at Town Meeting, but Cronin wondered who could address the legal issue, suggesting perhaps Town Counsel, Mike McCarron. No one from CPC in taking a position on this Petition and the issue it tries to address. Burmeister stated that after quite a long time and a good amount of money being expended, there is a chance that this building will remain vacant after renovation. Burmeister asked again if anyone has come up with a good use for the building and what are the architects being told to design. Parker answered the upstairs could be used for office space, but it cannot be leased to an outside party. Mizner stated that all the issues Burmeister raises with this petition are valid concerns, but a CPC meeting is no longer the place to address these issues.

# Update on Page Playground

Jennings said the Town has received three responses to the RFQ and they will be uploaded to the website. The three responses were from O'Brien, J.P. LaRue, and ULTPLAY. Gard offered to upload the submittals to the Town website. The schedule was sliding because of over-extended staff. Wayne Amaral (DPW director) did write up a press release. The plan was for each applicant to do a presentation on Zoom with a 25 minute question and answer segment, for a total of 55 minutes each. Amaral, McCarron and Jennings would then conduct an internal discussion with school officials and the public within 2 weeks after the presentations. McCarron and Amaral would rank them first to third, and then a contract would be awarded. Gard asked about a timeline. It will be scheduled soon, perhaps the second week of May. Cronin and Parker both thought the process sounded good. Jennings further commented - the best case scenario would be having it completed before the next school season.

# Soldiers & Sailors update

Jennings said the project is now fully permitted. The abutter who had previous concerns was now happy with plantings and screening from headlight issues. Jennings further stated the design/plans look great and contain great selection in details like fixtures etc. He also contacted Lynne Spencer regarding when to go out to bid but hasn't heard back.

Jennings is now working with the Town’s Financial Advisor about the borrowing. Jennings would feel better if the borrowing was worked out before signing a construction contract. Cronin asked when the original estimate of $1.25 million was created.

Jennings said that it was a Town Meeting vote in 2019, for $250,000 upfront, and then the larger sum was determined to be later costs. But he stated that the design fees will be under the $250,000 allotted even with construction management; Parker also asked about remediation costs submitted earlier. Jennings said there were – of approximately $10,000 which has already been paid. Cronin said the Planning Board is very pleased with the process and design work so far.

West Newbury Community Preservation Committee, Minutes of April 15, 2021 DRAFT

4

Minutes of February 18, 2021 and of March 18, 2021 meetings were approved.

**Correspondence**

Invoice from Architects for Soldiers' & Sailors' project

**Administrative Details**

Jennings asked who will do the presentations for the Warrant Articles at Town Meeting; it was agreed that the people who did the proposals to the CPC would do the presentations. Jennings stated the Finance Committee voted to support all 4 CPC Articles; and voted unanimously not to take up the Citizens' Petition.

Having completed the business before it, the Committee adjourned the meeting by unanimous consent. Next meeting is May 20, 2021 at 7:30 p.m.

Respectfully submitted,

Barbara Gard, CPC Administrator

# Documents reviewed at the meeting:

Citizens' Request Form/Petition

West Newbury Community Preservation Committee, Minutes of April 15, 2021 DRAFT