

**COMMUNITY PRESERVATION COMMITTEE
TOWN OF WEST NEWBURY
MINUTES OF MEETING
July 18, 2019**

A meeting of the West Newbury Community Preservation Committee (CPC) was held on July 18, 2019, in the First Floor Hearing Room. Members Bill Bachrach, Chair, Bob Janes, Judy Mizner, Rick Parker, and Sherry Pruyn were present. Members Ray Cook and Mary Harada were absent. Angus Jennings, Ex Officio member and Jean Nelson, Administrator, were also present. Town Counsel Michael McCarron was present for the meeting.

The meeting was called to order at 7:30 PM. Bachrach said the meeting is being recorded for the purpose of preparing minutes.

Application for Administrative Funds, Conditions Assessment of the Carr Post, filed by Angus Jennings on behalf of the Board of Selectmen

Present for this discussion were Polly McDowell, Ann O'Sullivan, Peter Ringenbacher, KC Swallow, and Marlene Switzer.

Jennings presented the Application for \$7500. He said the intent is to get additional work done in order to bring forward an application for town meeting for CPA funding. He has been working with an architectural and engineering team. They had been up for meetings and a site visit. The Scope of Work and Budget are attached. The Application is for \$7500, which was at one time half of the proposed budget amount. He had recently notified the CPC by email that the Board of Selectmen favor going forward with a full scope, and he is looking for additional funds. The \$7500 represents a quarter of the total project costs for the scope proposed.

Janes said that on behalf of the building committee, they want to see the building restored. It should be preserved as a historic Civil War Memorial. The Town has already committed to expend \$99,905 for the critical stabilization.

Mizner asked how much money is in the Admin Funds Account. Nelson said \$20,583. Jennings said he backed out a wages calculation, and the \$1750 dues to the CP Coalition. That would leave \$140 in the expense line after commitment of the \$7500. Mizner said this is problematic. She supports the restoration of the Carr Post, but wonders if it is appropriate to use Admin Funds. There is a question since we have already used Admin Funds in 2014. She said she spoke to someone at the Community Preservation Coalition today, and since the Town went ahead and voted to spend \$99,905, is it appropriate to now come back for Admin Funds? The funds are to be used for the CPC to determine if a project should go forward. Mizner continued that if this is a continuation of what went on before, it would not be appropriate. Or one could say that project was completed, unused funds returned, so this is in a sense a new project. This proposal also seems to be for stabilization of the building. It is clear that the building needs it. She has concerns that taking the rest of the Admin Funds will leave the CPC with no money to pay for anything else.

Mizner continued that ultimately, it is the CPC's decision. It would not be a precedent setting decision, such as looking for Admin Funds to finish a project. The CPC could approve somewhat less than \$7500 so that there would be funds for the rest of the fiscal year.

Peter Ringenbacher, River Road, asked when does the year end? Mizner replied June 30, 2020. Jennings said his calculation assumes Nelson works year-round 8 hours a week, which she has traditionally not done. He said that his office can buy office supplies such as toner, etc. for the CPC Office if needed.

He noted that Town Counsel said that nothing prohibits a warrant article in the Fall or Spring Town Meeting that could put general fund revenue back in the Admin Funds. We can't count on that, but it is possible. Nelson said that Town Counsel did state in his memo that there is no mechanism to increase the Admin Funds through CPA.

Ann O'Sullivan said that the CPC in the first project had asked that the architect split the project into two amounts. In her mind, this was not a completed project, because the CPC cherry-picked the elements from the first proposal, and did not complete the open items from the second proposal. This proposal now asks the consultant to update what was not done the first time around. She does not see this as a separate project.

Mizner said that as a continuation, it might not be appropriate for Admin Funds to be used. O'Sullivan said the rationale used to justify utilization of Admin Funds the first time is exactly the same. We are updating the original plan for a more current assessment. Mizner said it is not appropriate, according to the Coalition, to use Admin Funds once the project has received money from the Town.

Nelson said she has a copy of the Minutes when Glenn Kemper had first brought this up to the CPC in September, 2013. There was a time lapse because he thought someone else was pursuing the project of a conditions assessment. When it was brought up again, he asked the CPC to put out an RFP for bids for the work needed. Rick Bridges had found a similar RFP, and he and Nelson worked on an RFP for the Carr Post. Michael McCarron had told Nelson that she could put out the RFP, which she had done. We had received one response. Neither the RFP nor the CPC had asked that the assessment be split into two parts.

After the Conditions Assessment had been completed, Kemper had asked Nelson to work with Kris Pyle to write an Application for CPA funds for an article for work to be performed. Kris had told Nelson she did not know what to write, so Nelson had helped her with the Applications and prepared the Narrative and details. They had been given back to Kris for final approval by the Board of Selectmen. Nelson had filled in the amount requested for the entire amount of Critical and Beneficial Stabilization as being requested of CPA Funds. There was no cherry-picking on the part of the CPA.

At the meeting of February 24, 2015, Dave Archibald had said that he wanted to see the project pass at Town Meeting, and asked that only the amount for the Critical Stabilization be requested on the Warrant article: \$99,905. Nelson repeated that the CPC did not ask the architect to split

the costs, and that the CPC had not cherry-picked items to be addressed. To her knowledge, nobody had asked the architect to do that.

McCarron said there is an opportunity to put in a warrant article in the Fall to add funds from Free Cash. He felt that would get favorable vote from the Town.

He said he took issue with Judy. He said this Committee has two charges: one is to make recommendations to Town Meeting, and the other is to study the needs of the Town. He said he certainly feels the Committee has the authority to use the funds to perform a study. This is to prepare a detailed analysis of what is needed to make this project whole. He said that the Board of Selectmen had said on Monday night that if the project is to go before the Town, we need to have the full data. Time if of the essence. If we are going to do something, we have to do it now.

Mizner said she would consider this as a new project, rather than a continuation. It is ignoring the will of the Town to come back and take the money from another pot. She looks at this as a new project, with a new scope, because the other project was completed. O'Sullivan said she does not feel anyone would think that project was completed. Mizner said that the project that was approved had certain limits, and O'Sullivan disagreed.

Peter Ringenbacher said the first phase was emergency stabilization. It was not stabilization and restoration of the building. For example, wood posts were put in on concrete to keep the building from collapsing. A column was put in at the octagon. But the work did not address the stabilization of the envelope of the building. This amount requested is to go through documentation on a design and schematic level, with an estimate for Town Meeting to approve. Over the Winter the architects can be putting documents together. Mizner said that the emergency stabilization project has ended, in her opinion. Now the next phase will be historic preservation.

KC Swallow asked if the Town was aware that the scope of the project had been limited. Neither Mizner nor Nelson knew. Swallow said it was "piecemeal", and the project was truncated by the Selectmen. Nelson said that the Conditions Assessment was posted on the website, but she did not remember if the handout informed voters of the second table of Beneficial Stabilization figures, and does not know what was discussed at Town Meeting.

Polly McDowell asked Mizner how much she would be willing to expend, and how much of CPC funds are usually left. Nelson said that she had worked more in the past year than usual working on the Community Preservation Plan and Town Meeting preparation, among other projects. Usually there is \$8,000 remaining in the budget. Mizner said she does not have a particular number in mind, and she is not opposed to \$7500.

Parker said that his perspective is that we were looking at something to tide us over to stabilize the building to make a decision at a later point. Now we are trying to figure out what to do next, as a new project.

Bachrach said he does not see the use here. He asked if there is a vision of how the funds will be used. Janes said that everyone has been hung up on how the building will be used. He noted that

it would be perfect for the Council on Aging projects. It is a military, civil war building. He feels it should be used for all veterans. The library has many historical documents in storage, and some documents have been dispersed to various locations. They could be displayed and stored here.

McCarron said the building was deeded to the Town, so it would be under the purview of the Board of Selectmen. Mizner asked if the scope from the architect depends on uses envisioned. Jennings said the architects need some parameters, as outlined in the Application. There will be a public process, but the use will not be known by October. O'Sullivan read a description from Page 41 of the proposal.

KC Swallow said she feels that it is important that this be a public use building. The Town should be made aware of that.

Nelson said that there is a yearly grant opportunity from Mass Historical Commission that would apply to this building. She has informed public officials of the opportunity the past several years but nobody was in a position to pursue it. The next round of funding may be an ideal time for that grant, with all of the work and information being gathered. The grant is quite competitive. She had thought that Admin Funds could be used to hire a consultant to help write a grant, but that will now not be possible. She hopes that the talent and people now involved will be able to apply for the grant. Swallow said that there will need to be a specific use for the building when applying for a grant. She offered to work with others on a grant application.

Motion made by Mizner, seconded by Bachrach, to authorize the expenditure of \$7500 of Admin Funds towards the fee for a conditions assessment of the Carr Post, contingent on the provision of the additional funds needed for the assessment. The vote in favor was unanimous.

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The Minutes were reviewed and edited.

Motion made by Bachrach, seconded by Mizner, to approve the Minutes as amended. The vote in favor was unanimous.

Relative to the Minutes, the status of Brown Spring Farm APR was discussed.

Administrative Details

Nelson told the Committee that she is submitting her notice of resignation. When asked for any reason, she said that she had been in a meeting in February, where accusations were made and hurtful comments were made. She had been uncomfortable coming in to work since then. She had told friends and family of the meeting and they could not believe she had been treated in that way.

She will be on vacation the third week in September, and will not be in the office to process and review applications. Knowing that applications will be submitted at the last minute for Town Meeting, she feels that she will not be able to deal with the applications.

Committee Reorganization

Motion made by Bachrach, seconded by Janes, to nominate Sherry Pruyn as Chairman. The vote in favor was unanimous.

Motion made by Bachrach, seconded by Parker, to nominate Judy Mizner as Vice-Chairman. The vote in favor was unanimous.

Motion made by Mizner, seconded by Janes, to nominate Ray Cook as Secretary. The vote in favor was unanimous.

Discussion of potential Open Space, Recreation, Historic Preservation, and Community Housing projects for future discussions

Michael McCarron said that he is considering filing an Applications for Community Housing Funds to hire a monitoring agent for the affordable units in town. In the Regulatory Agreements for The Cottages and Drakes Landing, the Town is designated as the monitoring agent for the affordable units. The Town does not have the capacity to do that well. He will be proposing a set aside of \$50,000 in order to retain a monitoring agent, such as the Chelmsford Housing Authority, who has the staff and expertise to do that. There are requirements when someone wants to sell an affordable unit. Mizner asked if the agent works only when there is a sale, for example. McCarron said yes, for the most part. Jennings said that there have been complaints regarding eligibility, or if they were subletting, etc. He is responsible for dealing with these complaints. Pruyn said the units may not be sublet, because that would be bypassing the spirit of the program. Nelson said the model she has seen of this concept is the regional monitoring agent in the Sudbury area, and that agent has other functions also. She suggested that an article be worded carefully so it does not cause resentment of existing affordable units.

Nelson asked if the Inclusionary Housing Fees collected could be used for this purpose also. McCarron said that he needs to look into it, but he sees those fees being used if needed when an affordable unit cannot be sold within the required timeframe.

Motion to adjourn, 8:40 PM.

Submitted by,

Jean Nelson

CPC Administrator

Documents Reviewed at Meeting:

Application for Administrative Funds for a Carr Post Assessment

Minutes of June 19, 2019

These Minutes were approved by the CPC on August 15, 2019.

Community Preservation Committee, Minutes of Meeting, July 18, 2019