**COMMUNITY PRESERVATION COMMITTEE**

**TOWN OF WEST NEWBURY**

**MINUTES OF MEETING**

**September 23, 2021 at 7:30 PM**

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

A meeting of the West Newbury Community Preservation Committee (CPC) was held in person and remotely on September 23, 2021. Judith Mizner, Chair called the meeting to order at 7:30 p.m.

Members in attendance, Ann Bardeen (remote), Wendy Willis (remote), Wendy Reed, Gary Bill, Bob Janes, Judith Mizner, and Angus Jennings. CPC Administrator Barbara Gard was also present.

Mizner welcomed new CPC member Ann Bardeen representing Planning Board.

Mizner said new officers were required for this year. Reed stated she would be willing to chair the Committee, but wondered if there was a conflict serving on the Select Board and as Chair of a Committee. Jennings said he didn’t see any. Mizner offered to be Vice-Chair. Bardeen was nominated by Mizner to be Secretary/Clerk, seconded by Janes; All voted in favor of these candidates.

Jennings stated the CPC staff member prepares the minutes and draft Agenda. The Chair is responsible for posting the agenda through the Town Clerk’s office.

**Mooring Committee Eligibility Application**

Gard reported that she had received an email from Brad Dore stating that he would not be submitting the Funding Application for the mooring project. The committee discussed the Eligibility Application submitted at the last CPC meeting and whether a mooring field qualified as a Recreational Use under the Act.

Mizner reported that she had spoken with Stuart Saginor of the CP Coalition and reviewed the statute. She read the following passage:

**“Recreational use”, active or passive recreational use including, but not limited to, the use of land for community gardens, trails, and noncommercial youth and adult sports, and the use of land as a park, playground or athletic field. “Recreational use” shall not include horse or dog racing or the use of land for a stadium, gymnasium or similar structure.**

Mizner said Mr. Saginor did not believe the moorings were within the spirit of the CPA. She said she did not think funds that were collected from the community at large should be used for moorings that would only be used by a small number of people. Janes agreed. Bardeen stated that she has had boats in many different locations, both here in Massachusetts and in Maine, and that generally the municipality, the Commonwealth or even sometimes the federal government establishes a mooring field for a safe passageway or clearing in the waterway, but installation of the equipment is up to the individual who owns the mooring. This proposal asks for CPA funds to pay for installation of moorings, and that doesn’t fit with her understanding of how things are generally done. The lack of access from West Newbury to these moorings was also noted.

Mizner asked for further comments; Willis added she is in full agreement with Bardeen, she herself has had a boat, and the moorings were always her responsibility.

Mizner moved that the Eligibility Application from the Mooring Committee is found ineligible for CPA funding, seconded by Reed Vote was unanimous to find the project ineligible (6,0)

**Update on Soldiers & Sailor**s

Jennings noted that the construction bids for this project were substantially higher than approved by the CPC and voters at town meeting. An article in the Daily News provided a good summary of status of this project.

The Select Board has requested input from residents on next steps for this project and will hold a public hearing to discuss these on Monday, October 25th. Any new proposal would require a new application to the CPC and vote at Town Meeting if approved.

Mizner asked what the bids were. Jennings stated that only two bids were received, one for $2.1 million and one for $2.6 million. The estimated construction budget was $1.2 million.

**Update Page School Playground**

There was a remote public meeting on September 8 2021 at 6:00 p.m. with a presentation by the DPW director to share the updated draft design plan. Feedback was positive and no changes were made as a result of that presentation. A vendor has been awarded the work, but the installation won’t occur until next spring, when surface temperatures are high enough to satisfy warranty requirements. The DPW director stated that construction cost increases due to the pandemic were avoided by signing the contract in a timely manner. He also stated that a corner of the playground area was removed from the original footprint in order to save costs. This money was reallocated to playground equipment. Mizner asked about the shade structure and Jennings noted that it was part of the design. Gard added that the shade structure was placed over a picnic table for adults watching the children.

Additional items were discussed including the definition of a gaga pit, the colors that will be used and whether the vendor will remove the old equipment. The public presentation video will be sent to CPC members for their review.

**Update Mill Pond All Access Trail**

Jennings reviewed and approved the consultant’s proposal for wetlands delineation presented by Brad Buschur. Reed asked whether Brad Buschur being in charge of this project but no longer on the Open Space Committee was a concern. Mizner noted that at the last meeting John Dodge of the Open Space Committee approved Buschur being the lead on this project.

**Minutes** of the previous meeting were approved by the Committee with a few minor corrections, with Bardeen, who was not present at that last meeting, abstaining.

Reed asked about the management of approved CPC projects and if the Committee has a responsibility in this matter. Mizner stated that the CPC can ask for updates while the project is ongoing, however, it doesn’t manage the project. Jennings said once the Legislative body appropriates the funds, Town Manager and the DPW Director would be the signatories on contracts and invoices. Volunteers’ involvement in project management is critical to avoid conflicts between volunteers and Town employees and minimize excess demands on town staff.

Gard said she would raise the management issue during the upcoming “Boot Camp” training for new CPC Administrators. Bardeen suggested we add a requirement to our Eligibility and Funding Applications paperwork that the proposers designate a party to manage the project and/or to add funding for project management (showing if additional funds are coming from somewhere else, or if that request is included in the application for CPA monies.) Gard asked Bardeen to draft language for the CPC Funding Application to establish a person or committee responsible for the project, by either adding a line item to the proposed budget for administration/oversight costs, or creating some other measure of accountability.

**Administrative matters**

Gard reported that she is beginning work on updating the CPC plan and has worked with the Town Planner and Bardeen so far on the housing section. The Plan needs to be updated annually but because of COVID and the hiring process, the plan was not updated in 2020. It was agreed that the Committee should try to complete it by December 31, 2021.

Gard has sent portions (generally just 2 or 3 pages) of the existing plan out to Committee members to help with the updates. Bardeen has already submitted updates to the Housing Section; Gard is waiting for further comments from the Town Planner.

* Open space section went to John Dodge and Patricia Reeser
* Town Manager will look at and update charts and graphs.
* Recreation section went to Willis and Buschur
* Historical section went to Bob Janes.

Jennings thought it would be good to have the updated portions ready for the next meeting, so the plan could be finalized in December.

Gard mentioned that there is interest in Town to create a Housing Trust to create and preserve affordable low- and moderate-income housing

Jennings noted that the proposal before the Fall Town Meeting is for the Select Board to establish a Housing Trust. The Town could later vote to fund the Trust. In other communities, the Trust and CPC work closely, often directing the 10% allotment for the Housing Category within CPA funds to the Housing Trust. Once established and funded the Trust could act more quickly to acquire land/or buildings without having to wait for Town Meeting action.

Mizner mentioned that if CPA funds were to go to the Trust, it would have to be first recommended by the CPC and then voted by Town Meeting.

Jennings raised the issue of a deadline for filing Eligibility and Funding Applications. A deadline had been established to add some predictability to the process. However, when C.61 (Agricultural Restrictions) notices come in, the Select Board has to act generally within 120 days to exercise their “Right of First Refusal” and there may not be time to also meet the CPC filing deadlines.

Various wording was discussed and the following sentence was proposed: “The Committee reserves the right to consider applications after the stated deadlines, if the project shows a reasonable cause for the late filing”. This could be added to the Eligibility and Funding Form, but would need a vote of the CPC to amend the previous vote.

Having completed the business before it, the Committee adjourned the meeting by unanimous consent at approximately 9:00 p.m. Next meeting will be November 18, 2021 at 7:30 p.m. at which time the Public Informational Hearing will be held.

Respectfully submitted,

Barbara Gard, CPC Administrator