

## Town of Ayer Community Preservation Committee

Town Hall \* One Main Street \* Ayer, MA 01432

Minutes for 1/8/2014 - Approved 3/5/2014

Location: Town Hall, 1<sup>st</sup> Floor

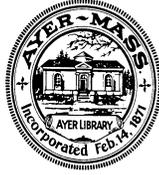
Members present: Janet Providakes (JP) [Housing]- Chair, Beth Suedmeyer (BAS) [At Large], Jason Mayo (JM) [Parks & Rec.], Barry Schwarzel (BES) [Historical], Jess Gugino (JG) [ConsCom]- Clerk

Not present: Mark Fermanian (MF) [Planning Board], Vacancy [At Large]

APAC taped: NO

### 6:08 PM – Open Meeting

- **Meeting Minutes Approval**
  - JM moved to accept the minutes for 11/7/2013 as written; BES 2<sup>nd</sup>.
    - Motion approved 4-0 (BAS abstained).
  - BAS moved to accept the minutes for 12/4/2013 as written; JG 2<sup>nd</sup>.
    - Motion approved 3-0 (JM and BES abstained).
- **Public Meeting: Potential Kohler Place Land Acquisition**
  - Town Administrator Robert Pontbriand appeared before CPC with a completed Pre-application and Application for CPC funding of this 22 acre parcel.
    - The application packet also included a supporting memorandum and documentation.
    - CPC would also be receiving a number of letters of support for the application.
  - The previous night (1/7/14), the Board of Selectmen (BOS) voted unanimously to both approve and sponsor the application.
    - Mr. Pontbriand and BOS Chair Gary Luca will lead negotiations.
    - BOS will discuss negotiations in Executive Session, and have asked for CPC representation if the process goes this far.
    - If a negotiated contract is achieved, the final decision to approve such a purchase would fall on a Town Meeting vote.
  - Mr. Pontbriand stressed the BOS position that, in a Town of 9-1/2 square miles, the opportunity to set aside a 22-acre parcel of undeveloped natural open space is rare.
  - Mr. Pontbriand outlined the next steps in the process, any one of which could indicate a red flag at which point the process would halt.
    1. An independent appraisal of the parcel;
    2. Phase 1 environmental review (21E);
    3. Price negotiations with property owners (Sandy Pond Investment Trust);
    4. Town Meeting vote.
  - In the interim, CPC would also have to hold a Public Hearing prior to its own vote on whether to approve moving forward with a purchase using CPA funds.
  - Mr. Pontbriand said the immediate next steps in satisfying due diligence would be to seek an independent appraisal and perform the Phase I environmental review.
    - Due diligence is necessary to advance the process to the phase where it is decided whether or not to enter into negotiations for purchase.
    - Mr. Pontbriand was seeking CPC funding from its administrative funds for this purpose.

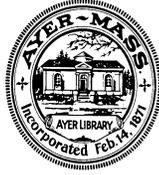


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- Mr. Pontbriand said the BOS was split on whether the Phase 1 review should be paid for by the Town or by the property owners, and this had yet to be determined.
- JG asked if the letter from Town Counsel addressing the issue of the crossing easement over a strip of private property between the end of Wright Road and Kohler Place had been received.
  - Mr. Pontbriand said it was still in process.
  - JG said that since this was a key concern for the Conservation Commission (ConCom), she could not vote to proceed without that letter having been issued.
  - Mr. Pontbriand said the letter was expected within the next week.
    - His intent with tonight's meeting was to gain CPC authorization to move forward only with the appraisal.
- As a compromise, BAS suggested setting a maximum limit to the CPC funds voted on for an appraisal, and making the release of the funds contingent on receipt of the Town Counsel letter.
  - JG said she was comfortable with moving forward on only the appraisal under these terms.
- JP said that the three components that would need to be addressed satisfactorily before CPC could hold a Public Hearing were: the appraisal; Phase I review; and Town Counsel letter addressing the easement.
- BAS moved to approve the expenditure of CPA funds associated with due diligence, not to exceed \$5000, for the appraisal of Kohler Place, contingent on receipt of a satisfactory letter from Town Counsel regarding legal access to the parcel from Wright Road; JM 2<sup>nd</sup>.
  - To avoid delaying the process, JG requested a friendly amendment to remove the term 'satisfactory' since this suggested there would be a CPC review of the letter and CPC wouldn't be meeting for another month.
    - In answer to JG's question, Mr. Pontbriand said the appraiser would have the opportunity to take Town Counsel's letter into account when doing the appraisal.
  - BAS moved to amend the motion to remove the term 'satisfactory'; JM 2<sup>nd</sup>.
    - Motion to authorize this expenditure of up to \$5000 CPA funds, contingent on receipt of Town Counsel letter, approved unanimously.
- JG asked Mr. Pontbriand to have ConCom copied on the letter from Town Counsel.
  - ConCom is meeting on 1/16/2014 and would be able to weigh in on whether the easement issue had been satisfactorily addressed by Town Counsel at that time.
- BAS asked when the question of who pays for the Phase I review would be brought up next by the BOS.
  - Mr. Pontbriand said this wouldn't take place until after the appraisal and receipt of Town Counsel letter.
  - Several CPC members thought that the environmental review should be done independent of the current property owners.
  - JG said that the environmental review was a requirement for a municipality to purchase property but that the owners could also sell to another developer or private party and not have to do this review.



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- This would therefore suggest the responsibility for paying for the review should fall on the Town.
    - Mr. Pontbriand indicated this was also the position of half of the BOS.
  - BAS said the attachment of additional documentation – maps delineating wetlands and rare species habitat – would strengthen the application.
- **Correspondence / Bills**
  - Pleasant Street Pocket Park
    - JP brought up the invoice from Turf Logic for 2014 work discussed at CPC's 12/4/13 meeting.
    - JP discussed this with Ken Martin, Executive Director of Ayer Housing Authority, addressing CPC concerns that the services scheduled for 2014 constituted maintenance.
      - Mr. Martin said the landscaping work planned was for the initial establishment and stabilization of plantings.
      - Given that payment to the vendor for previous work was delayed because of CPC quorum issues, the vendor had hoped that submitting an invoice for the 2014 work in advance would circumvent this problem.
    - CPC members agreed with BAS to not proceed on this invoice until Mr. Martin has produced a detailed breakdown of all of the costs associated with this project, as had been previously requested by CPC.
    - BAS also asked JP to convey to Mr. Martin that the invoice needed to be reworded to emphasize the work involved as regarding 'the establishment of vegetation' rather than ordinary maintenance.
- **Committee Updates**
  - Historic Commission (HC)
    - BES said the Commission voted to move forward with funding restoration of the fountain outside of Town Hall.
      - BES said he hopes to have representation from the Women's Christian Temperance Union in Rhode Island at the fountain's rededication, once work is complete.
    - BES said the Commission is working on getting the Town's old fire station listed on the National Registry.
  - Parks & Recreation Department
    - JM said Parks & Recreation has submitted an application to the State for funding a community garden in Pirone Park.
- **6:58 PM – Adjourn Meeting**
  - JM moved to adjourn; BES 2<sup>nd</sup>.
    - Motion approved unanimously.