

Town of Ayer Community Preservation Committee

Town Hall * One Main Street * Ayer, MA 01432

Minutes for 10/2/2013 - Approved 11/7/2013

Location: Town Hall, 1st 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

6:18 PM – Open Meeting

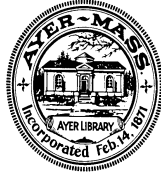
- **Meeting Minutes Approval**

- JG moved to approve the minutes for 7/3/2013 as written; BES 2nd.
 - Motion approved 3-0 (JM abstained, BAS not yet present).
- JM moved to approve the minutes for 8/11/2013 as written; JG 2nd.
 - Motion approved 3-0 (BES abstained; BAS not yet present).

- **Accounts Payable**

- 2013 Flannagan Pond weed treatment
 - Aquatic Control Technology (ACT): \$4550.00, for 2nd booster treatment conducted on 8/20.
 - Invoice # 17801.
 - JG confirmed the booster treatment was done, and that there would be one more bill coming from ACT after completion of their final report.
 - JM moved to approve payment of \$4550.00; BES 2nd.
 - Motion approved 4-0 (BAS not yet present).
- Pleasant Street Pocket Park
 - Betty Mills Company: \$2488.50, for WeatherGard, trashcans, rigid liners.
 - Invoice # 13799948874.
 - JP will ask why a California company was used and if this was cost-effective.
 - JM moved to approve payment of \$2488.50; BES 2nd.
 - Motion approved 4-0 (BAS not yet present).
 - Dog Waste Depot: \$119.00, for purchase of a mini station with single pull bag to collect dog waste.
 - Invoice # 40458.
 - BES moved to approve payment of \$119.00; JM 2nd.
 - Motion approved 4-0 (BAS not yet present).
 - Goldsmith, Prest & Ringwall (GPR): \$2800.00, for site layout, construction record survey and plan, and contractor coordination.
 - Invoice # 14918.
 - JG moved to approve payment of \$2800.00; BES 2nd.
 - Motion approved 4-0 (BAS not yet present).

- **Discussion: CPC Meeting Time**



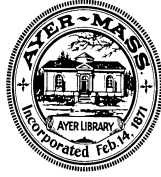
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- There were no objections to changing CPC's monthly meeting time to start at 6 p.m.

- **Discussion: Preservation Restriction (PR) Agreement for Fletcher Building**
 - CPC funds in the amount of \$250,000 for rehabilitation of the Fletcher Building were approved at Spring Town Meeting 2011.
 - \$100,000 for historic preservation.
 - \$150,000 for affordable housing.
 - David Maher, Director of Economic Development, submitted a request to JP for CPC members to sign off on the recorded PR Agreement between Bonnet Realty, LLC and the Town of Ayer.
 - CPC sign-off on the release document will allow the final balance of the grant amount – \$25,000, representing a 10% hold-back – to be paid to Bonnet Realty.
 - The PR was recorded at Middlesex South Registry of Deeds on 8/28/2013.
 - Book 62537, pages 114-159 (45 pages).
 - CPC only just received its copies.
 - Page 8 of 45, Section 18, states the PR will “be in effect for a period of twenty (20) years” from the date of recording.
 - CPC members reviewed the minutes from their 1/4/2012 meeting with Mr. Maher and Robert France, of Bonnet Realty, reviewing a draft CPA Grant Agreement.
 - At that time, CPC members questioned the draft language stating the PR would be in force for only 20 years.
 - CPC members expressed the view that this was not the PR language they had expected, and that the use of CPC funds for historic preservation were generally understood to be “in perpetuity.”
 - At that time, Mr. Maher said he would have this, and other issues, addressed the following week.
 - CPC was not contacted with new information or a new draft, and had heard nothing further about the PR until the recent request by Mr. Maher for the CPC sign-off.
 - BES said the Historic Commission (HC) voted to approve the PR on 7/10/2013 and signed off on it on 7/15/2013 before a notary provided by Bonnet Realty.
 - The Board of Selectmen (BOS) voted to sign off on the PR at its 7/16/2013 meeting.
 - It was agreed that this points to a need for Ayer CPC to review its protocols.
 - BAS said that, going forward with other agreements, CPC should confirm expectations in writing in advance of the release of funds.
 - Since the PR has now been recorded, there is little that CPC can do in this case.
 - BAS will have the PR document scanned so that it can be placed on Ayer CPC's website.
 - BAS asked that, in future, HC be informed to contact CPC before doing any approvals related to the use of CPC funds.
 - BES moved to accept the PR as signed off on by HC and BOS; JG 2nd.
 - Motion approved unanimously.
 - BAS asked if there was an affordable housing restriction in perpetuity.

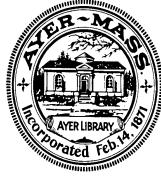


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- Looking at Exhibit F, p. 37 of 45, it appears that an affordable housing restriction was agreed to for a period of 15 years.
- The BOS apparently signed off on this on 7/16/2012.
- BAS asked that CPC contact Mr. Maher with the following questions:
 - Does he recall that CPC asked for the PR to be “in perpetuity” at its 1/4/12 meeting?
 - Why did the BOS sign off on Exhibit F without CPC knowledge or input?
 - Is there a deed restriction for affordable housing?
 - If there is a Housing Restriction and it has been recorded, CPC requests a copy.
- BAS moved to repeal the previous vote accepting the PR; JG 2nd.
 - Since the PR has already been recorded, it was agreed that repealing this vote would have little impact and the motion was recalled.
- However, it was agreed that CPC should seek answers to the question about other Town entities signing off on projects using CPC funds without CPC knowledge or input.
 - CPC will therefore delay releasing its signature sheet signing off on the PR until these questions have been addressed.
 - This will delay release of the \$25,000 hold-back until that time.
- JP contacted Mr. Maher by phone, put the conversation on speaker, to ask him these questions.
 - Mr. Maher said a Housing Deed Restriction has already been recorded.
 - BAS reiterated to Mr. Maher that CPC was never presented with a modified agreement.
 - CPC should have been the body endorsing the grant agreements prior to the BOS or other entities being asked for approval.
 - JP agreed, especially noting that the BOS should not have signed off on Exhibit F (the Housing Restriction) without prior review by CPC.
 - Mr. Maher said Bonnet Realty followed the process they were told to follow by Mass Historic.
 - BAS said CPC has now been made aware of some procedural problems and will be working toward instituting a more formal documentation process before CPC monies may be used on future projects.
 - Mr. Maher was asked for a copy of the Housing Restriction.
 - JP advised Mr. Maher that CPC’s signatures approving the release of the final balance of \$25,000 would not be made available until questions raised by CPC were addressed.
 - Mr. Maher was thanked for his time and the phone call terminated.
- Given that CPC only meets once a month and has, recently, had difficulties making quorum, it was decided to go ahead with signing the release document at tonight’s meeting, but not releasing it to Mr. Maher until a copy of the Housing Restriction and an answer to how the BOS could sign off on CPC agreements without CPC input were received.
- BAS moved to sign the release document, to be held as noted; JG 2nd.



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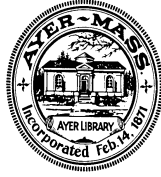
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- Motion approved unanimously.
- The release document was signed by all members present.

- **Old Business**
 - Kohler Place Open Space Acquisition
 - JP said the BOS, via Town Administrator Robert Pontbriand and Selectman Gary Luca, is currently negotiating with Ed Cornelier and the Sandy Pond Investment Trust over the possibility of purchasing this 24-acre parcel.
 - Beyond that, CPC does not know where things stand.
 - CPC members agreed that the proper procedures and application process must be followed if the BOS moves forward with a purchase.
 - BAS noted for the record that she felt that a Conservation Restriction (CR) would be better for the Town than an outright acquisition.
 - JG reiterated that the Conservation Commission will likely not agree to sponsor a purchase if the crossing easement is not irrefutably dealt with.
 - ConCom would likely not see an opinion from Town Counsel as adequate.
 - At-large Member Vacancy
 - One resident interested in joining CPC will have to delay his application until the new year.
 - BAS also spoke to someone recently who might be interested and will contact that person again.

- **Committee Updates**
 - Conservation Commission
 - JG updated CPC on ConCom's joint endeavor with the Pond & Dam Management Committee (PDMC) to perform a comprehensive study of Ayer ponds in order to develop effective management plans that, among other things, uphold recreational use, property values, and habitat.
 - ConCom and PDMC met recently with Geosyntec Consultants about fine-tuning a proposed study before seeking funding at Spring Town Meeting 2014.
 - The two groups will next meet at PDMC's 10/21/13 meeting.
 - JM said Parks & Recreation might be able to consider contributing funding and asked to be included at the 10/21 meeting.
 - An amount of \$10,000 in CPC funds was approved at Fall Town Meeting 2011 for use of funding such a study.
 - So far as it is known, that money has not yet been used by PDMC.
 - Historic Commission
 - BES shared photos of HC's Camp Stevens project, recently completed.
 - A rededication ceremony is planned for early November.
 - HC facilitated the restoration of this old Civil War camp which dates to 1862 and closed in September 1863.



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- HC used a grant from the Mass Historic Susquicentennial Commission to fund the restoration.
- HC is also working with Mr. Maher to develop a walking tour of downtown Ayer as it was one hundred years ago.
- HC is working on restoring the 1899 fountain donated by the Women's Christian Temperance Union.
 - The fountain was improperly 'repaired' with cement and rebar.
 - HC will be seeking \$2000-2500 to restore it to its original condition.
 - JP suggested CPC could be a source of funding for this work.
- HC is also trying to reboot a 'Historical Society' to meet on the 4th Wednesday of every month.
 - The last time Ayer had a functioning Historical Society was back in the 1970s.
- Housing
 - JP said nothing new is going on other than the analysis of its budget.
- Parks & Recreation
 - JM said that the Parks Department is working on constructing a perimeter path around Pirone Park, abutting Grove Pond.
 - Trees and shrubs are being cleared in areas.
 - JG reminded JM that earth work or vegetation clearing within 100 ft. of the pond must be cleared through ConCom.
 - JM said he assumed that Supervisor Jeff Thomas has talked to Conservation Administrator Becky DaSilva-Conde.
- Planning Board
 - The member from the Planning Board was not present.
- **CP3 Database**
 - JP described the two sections that need to be filed every year with the state CPA.
 - The first section is provided by Town Accountant Lisa Gabree.
 - It reports on how much money has come into the Town and facilitates the State calculating its matching allotment.
 - The second section involves a surcharge report.
 - CPC did not have any new projects approved in the last year so nothing needed to be reported to the State for this section.
- **8:06 PM – Adjourn Meeting**
 - JM moved to adjourn; BES 2nd.
 - The next meeting is scheduled for 6 p.m. on 11/6/2013.
 - Motion approved unanimously.