

Town of Ayer
Community Preservation Committee

Town Hall * One Main Street * Ayer, MA 01432

Minutes for 9/10/2014 - Approved 10/1/2014

Location: Town Hall, 1st Floor

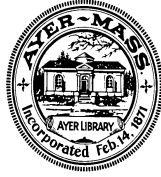
Members present: Janet Providakes (JP) [Housing]- Chair, Beth Suedmeyer (BAS) [At Large], Richard Durand (RD) [Parks & Rec.], Barry Schwarzel (BES) [Historical], Jess Gugino (JG) [ConsCom]- Clerk

Not present: Vacancy [Planning Board], Vacancy [At Large]

APAC taped: NO

6:05 PM – Open Meeting

- **Public Hearing: Kohler Place Open Space Purchase**
 - JP read an email received 9/9 from Town Administrator Robert Pontbriand's office.
 - On 9/8, the owners of Kohler Place officially withdrew their offer to the Town of Ayer to purchase the 24-acre parcel.
 - They received a much better offer than that made by the Town at an Executive Session meeting on 9/3 and have decided to accept it.
 - Therefore, the Public Hearing is cancelled and the Board of Selectmen (BOS) have withdrawn their application for CPC funding.
 - JP said it was too bad that the offer to sell was withdrawn after the expenditure of funds for Town Counsel's written opinion as to the legal status of the crossing easement, the appraisal, and the 21E environmental review.
 - JP asked if there was any way to get some of those funds back but the answer was no.
 - JG said she was frustrated that it took so long to get Town Counsel's opinion on the crossing easement.
 - She referred to CPC's 6/5/13 meeting notes indicating something definitive from Town Counsel would be ready for CPC's 7/3/13 meeting.
 - Town Counsel's written opinion, dated 3/14/14, was forwarded on to CPC on 6/4/14.
 - Kopelman and Paige indicated it had hired another law firm to research the chain of title for them.
 - It was also noted that the purchase opportunity was first brought before CPC in November, 2012.
 - BAS said one of the lessons learned here was the need to better expedite the process when an interested party has presented an attractive acquisition opportunity to the Town.
 - She also suggested CPC explore ways to secure a better commitment from sellers before CPC expends funds on due diligence.

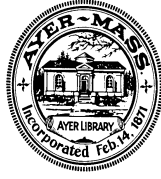


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- In this particular case, the expenditure of CPC funds for the appraisal, environmental review, and legal opinion, wound up benefitting the property owners but not, in the end, the Town.
- JP suggested asking the Town Administrator / BOS to check with Town Counsel to see if CPC could include a provision such that, if an offer to sell is withdrawn, CPC and the Town would be reimbursed for due diligence expenses.
 - JP will contact the Town Administrator and BOS about this, along with expressing CPC's frustration with the time it took for Town Counsel to put an opinion in writing.
- **Correspondence / Accounts Payable**
 - Lowell Sun / Media One: \$159.31, for Public Hearing legal notices:
 - \$82.34 for the Kohler Place Public Hearing (now cancelled)
 - \$76.97 for the Habitat for Humanity Funding Public Hearing
 - It was noted that this invoice covers the first round of published notices and that a second invoice for the second round of ads would be forthcoming.
 - BES moved to approve payment of \$159.31; BAS 2nd.
 - Motion approved unanimously.
 - L. J. Boudreau Associates: \$3400, for Kohler Place appraisal.
 - The invoice was recommended for payment by the Town Administrator.
 - JG moved to approve payment of \$3400; RD 2nd.
 - Motion approved unanimously.
 - GeoInsight: \$3100, for Kohler Place 21E environmental review.
 - Payment recommended by the Town Administrator.
 - On closer examination, JP realized that the only paperwork provided was the initial proposal dated 7/29/14, before the environmental review was performed.
 - JG moved to withdraw an earlier motion to pay this until a proper invoice has been received; BAS 2nd.
 - Motion approved unanimously.
- **Meeting Minutes Approval**
 - BAS moved to accept the minutes for 8/6/14 as written; BES 2nd.
 - Motion approved unanimously.
- **6:30 PM – Public Hearing: Habitat for Humanity Funding Request**
 - Present were: Maggie Monroe-Cassel, Executive Director for Habitat for Humanity (HFH), North Central Massachusetts; and local HFH Planning Committee member Pauline Conley.

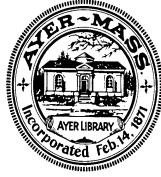


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- Ms. Conley said that the appraisal, required by the Town, was expected this week, and that a groundbreaking ceremony was planned for 10/6.
- Ms. Monroe-Cassel said they have applied for Federal Homeland Bank (FHLB) funding.
- BAS said she had spoken with David Maher, Ayer Office of Economic Development, and did not find other funding sources that could also be used.
- JP had the same result in talking with Ken Martin, Executive Director of Ayer Housing Authority.
- BAS asked for more detail as to how the request figure of \$100,000 was arrived at.
 - HFH's budget assumes a total project cost of \$310,000.
 - CPC's current balance under the Housing category is approximately \$160,508.
 - Ayer CPC has been putting the minimum required 10% set-aside into this category.
 - This past year, \$40,000 was put toward the Housing category.
 - BAS asked if it would make sense to reduce the request figure to \$80,000, limiting the request to two years worth of housing allocation.
 - She said that the Town had been generous in granting the parcel to HFH, and noted that Ayer CPC tries to be fiscally mindful of its responsibility to the Town.
- Ms. Monroe-Cassel said that over the past ten years, in-kind contributions (i.e. land, supplies, services such as plumbing, roofing or electrical work) have dried up due to the economy.
 - HFH draws up its budget based on assuming no in-kind donations.
 - HFH will be grateful for any kind of help from the Town, but its current submitted budget is based on receipt of \$100,000 in CPC funding.
- JP noted she has received feedback from some members of the community indicating that CPC has used more of its funding recently for Housing than for Open Space acquisition.
 - She wondered if it would be easier to sell \$80,000 funding to Fall Town Meeting (10/27/14) than \$100,000.
- It was clarified that there isn't a competition between CPA categories per se, since each category has a minimum percentage requirement in yearly allocations.
- Resident Robert Williams, of Hedgeway Street, an HFH volunteer, expressed support for the project and encouraged CPC to fund the full \$100,000 requested.
- BES supported keeping the funding at \$100,000, as voted on at CPC's August meeting.

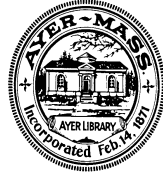


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- In light of the decline of in-kind donations, JG supported the \$100,000 figure, and noted that if Town Meeting found this too high, the amount could be adjusted lower at that time.
- RD also supported the figure agreed upon in August.
- If passed at Town Meeting, BAS noted that CPC is working on writing better agreements with recipients of funding.
 - This would include a provision that if actual expenses are lower, then CPC funds will not be fully disbursed.
 - Ms. Monroe-Cassel said HFH is used to preparing “Use of Funds” reports.
- JG moved to approve HFH’s funding request for \$100,000 and submit the project to Fall Town Meeting vote for final approval; BES 2nd.
 - Motion approved unanimously.
- A draft of a grant agreement will be discussed at CPC’s 10/1/14 meeting, in advance of FTM.
- JG moved to close the Public Hearing at 7:03 PM; BAS 2nd.
 - Motion approved unanimously.
- **Other Business**
 - Fire House Photographs
 - JP referred to the old fire house photographs recently discovered and in need of restoration.
 - BES said that either the Historical Commission or the Ayer Fire Department would be putting together an application for CPC funding under the Historic Preservation category.
 - Town Hall Window Replacement
 - BAS said that the window replacements were discussed at the recent BOS meeting.
 - Town Administrator Pontbriand made clear at that time that the Town was working closely with the Massachusetts Historical Commission on this.
 - The Town would not be seeking CPC funding for this project.
 - 10/1/14 CPC Agenda
 - David Maher, Ayer Office of Economic Development, has requested to be on CPC’s agenda to discuss upcoming projects.
 - BAS asked that the grant agreement with HFH be on this agenda.
 - JP will also have a draft of the CPC warrant article for review as well.
 - JG asked that at some upcoming meeting, over the winter, CPC discuss the merits of going before Town Meeting to request an increase in the local CPC tax set-aside from 1% to 2 or 3%.



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- **7:13 PM – Adjourn Meeting**
 - BES moved to adjourn; RD 2nd.
 - Motion approved unanimously.