

DARTMOUTH



MASSACHUSETTS

Community Preservation Committee

Howard Baker-Smith, Chairperson
Margaret Latimer, Vice Chairperson
James Bosworth
Michael Kehoe
Elaine Lancaster
Stuart MacGregor
Damon May
Kevin Shea
John Sousa

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MINUTES

November 5, 2013

Members present:

Howard Baker-Smith, Chairperson
Margaret Latimer, Vice Chairperson
Elaine Lancaster
Stuart MacGregor
Damon May
Kevin Shea
John Sousa

Members absent:

James Bosworth
Michael Kehoe

The meeting was called to order at 6:35 p.m.

Motion:

Mr. Sousa made a motion to approve the minutes of the October 1, 2013 meeting. The motion was seconded and approved by a 7-0 vote.

Two invoices with vouchers attached were circulated for review:

1. Attorney Anthony Savastano in the amount of \$3,220 for legal services
2. Southcoast Media Group in the amount of \$245 for advertising the public hearing

The invoice from Attorney Savastano was discussed. There were charges that do not belong to the CPC. Mr. Baker-Smith distributed a breakdown of the hours billed, separating the Town's and CPC's responsibilities.

Motion:

Mr. Shea made a motion to approve payment of the invoice from Southcoast Media Group in the amount of \$245 for the public hearing ad. The motion was seconded and approved by a 7-0 vote.

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Mr. Sousa recalled a request by the Committee to David Cressman that he direct Mr. Savastano to bill the Town separately from the CPC. Mr. Baker-Smith proposed paying the CPC's portion of the invoice. Mr. Sousa proposed waiting until a corrected bill is received. Members' opinions were divided. The matter was tabled.

A discussion took place regarding the annual State match. Mr. Baker-Smith distributed copies of an email from the Community Preservation Coalition informing CPC members Statewide that a budget surplus will result in an increased match. The CPC had projected 26%, however, the percentage will now be higher. A firm number will be released by the Department of Revenue on November 15, 2013.

Mr. MacGregor gave an update on the Open Space and Recreation Plan. The last survey of Town residents was in 2009. An updated survey has been created and is in progress. He believes it to be available online and in Town offices. The results will be compiled to create an updated Plan.

A discussion took place regarding a joint meeting that had been scheduled between the CPC and the Selectboard. Mr. Baker-Smith had received a memo, via email, which included the names of the other three at-large members. There was no directive to inform Committee members there was to be a meeting, and Mr. Baker-Smith believed all were emailed the memo. That did not occur, consequently, no other CPC member was aware a joint meeting had been scheduled, with the exception of Mr. Sousa who learned of the meeting from the newspaper. Mr. Baker-Smith attended the meeting where the matter of debt was discussed. The CPC has not borrowed funds in seven years. Its debt service is currently 52% of its budget. The Selectboard wants the CPC's debt service not to exceed 25% of its projected annual revenue, including the State match. The CPC is "on the same page" as the Selectboard in wanting to limit its debt, however, bonding is considered on a case-by-case basis. If a worthy project that would require bonding were to come before the CPC, the Committee may consider it. Many members expressed the projection that the Town will be the sponsor of a future project that will require borrowing, essentially pushing the recommended 25% further out of reach.

Mr. Sousa is concerned about the lack of notification that a joint meeting had been scheduled. The emailed memo had the names of the four appointed members only. The other five members, who are representatives from other boards and commissions, were not listed in the notification. Was it an error, or a conscious decision? Also, if a policy or another matter was to be considered, a majority would not be present to effectuate a vote. The CPC is an autonomous committee. Mr. Baker-Smith added that by statute, only the CPC can make funding recommendations. He said the CPC has the confidence of Town Meeting. Only one project has not received approval, which project was tabled.

A discussion took place regarding the Grant Agreements and Memorandum of Understanding for the three new projects. Mr. Baker-Smith distributed a list of terms and conditions for each.

Newfield Farm Acquisition – The Grant Agreement will contain conditions that are typically included in grant agreements for land acquisitions: 1) Execution of a CPC grant agreement;

2) Submission of a real estate appraisal; 3) Execution of a purchase and sale agreement; and 4) Execution of a conservation restriction. Dartmouth Natural Resources Trust will receive 90% of their award after conditions 1 through 3 are met. The remaining 10% will be released upon receipt of a fully executed conservation restriction.

O'Connor-Sisson House for Veterans – The Grant Agreement with Partners in Housing will contain the following conditions: 1) Execution of a CPC grant agreement; 2) Documentation of the transfer of site control from the Housing Authority to Partners in Housing; 3) Documentation of secured financing commitments; 4) Documentation of an affordability restriction on housing units; and 5) Notice to proceed to the contractor to begin construction. Funds will be released in accordance with the disbursement schedule.

Russell Garrison Site National Register Nomination – The Memorandum of Understanding will contain the following conditions: 1) Execution of a CPC memorandum of understanding; 2) Documentation of procurement for the consultant; 3) Documentation of procurement for granting the holder of a preservation restriction; 4) Documentation of procurement for awarding the preservation restriction monitor; and 5) Execution of a preservation restriction. The terms and conditions were discussed. Funds will be released in accordance with the disbursement schedule.

Town Counsel had rendered an opinion regarding the preservation restriction saying the holder of the restriction may not also serve as the monitor. Past practice has allowed it. To effectuate a Town Meeting article, the language was written so that each is a separate process. To enable the project to move forward, condition 4 should be inserted into the MOU.

Motion:

Mr. Shea made a motion to approve the project grant agreements and MOU terms and conditions, as written. The motion was seconded. A clarification discussion followed.

The motion was put to a vote and was approved by a 7-0 vote.

A discussion took place regarding the FY2015 Needs Assessment. Mr. Baker-Smith distributed copies of an amended version which incorporated comments made at the public hearing. Under the "Open Space and Recreation" section, Current Priorities, Recreation, item 1 states: "Develop a central multipurpose recreational space that can accommodate the range of youth athletic activities available for Town residents." Mr. Sousa said he is in favor of this, but it should be affordable. Mr. MacGregor feels many don't have the desire for either central or multipurpose space. Some organizations want to have their own space. Mr. Sousa clarified his use of the word "affordable" to mean affordable to the CPC. Mr. MacGregor proposed eliminating the words "central" and "multipurpose" and pluralizing the word "space". Following additional discussion, it was proposed item 1 read: "Develop recreational space that can accommodate the range of youth athletic activities available for Town residents."

There were no proposed changes to the amended "Community Housing" section. Under "Historic Preservation" Ms. Latimer recommended an editorial correction. Also, under the section "Current Priorities" she proposed the two bulleted items swap positions.

Motion:

Mr. MacGregor made a motion to approve the new draft (of the FY2015 Needs Assessment) with the amendments made. The motion was seconded and approved by a 7-0 vote.

The final draft will be submitted to the Computer Services Department for uploading to the website.

A discussion took place regarding the next funding round. The following schedule was proposed:

December 31, 2013: Deadline for eligibility applications to be considered at the January, 2014 meeting.

January 15, 2014: Proposals are due.

February 4, 2014: Meeting to discuss the proposals.

March 4, 2014: Public Hearing.

March 7, 2014: Present warrant articles to the Town.

Town Meeting: June 3, 2014.

Motion:

Ms. Latimer made a motion to approve the January 15, 2014 deadline. The motion was seconded and approved by a 7-0 vote.

The discussion regarding the invoice from Attorney Savastano resumed. Concerns included reviews were done in an untimely manner; issues were raised on projects that, in the end, were not a problem; issues were raised that are confusing; and billable hours seem excessive. Mr. Baker-Smith said Town Counsel had not received the warrant articles until September even though the CPC submitted them to the Town in July.

Questions included if the bill should be sent back with a request for a corrected bill reflecting CPC charges only. Should the CPC's portion of the bill be approved for payment? Should the matter of billing be discussed with Mr. Cressman? Many members expressed frustration that, again, the Town's charges were included with the CPC's. The issue had been addressed but remains unresolved. With no motion on the floor to approve payment, the bill will be returned to Town Counsel for correction.

Motion:

Mr. Baker-Smith made a motion to adjourn. The motion was seconded and approved by a 7-0 vote.

The meeting was adjourned at 8:58 p.m.

Respectfully submitted,

Susan D. Dorschied
Administrative Clerk

Approved,

Howard Baker-Smith
Chairperson