

# DARTMOUTH



Community Preservation Committee

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

# MASSACHUSETTS

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## MINUTES

June 9, 2015

Members present: Howard Baker-Smith, Chair  
Margaret Latimer  
Elaine Lancaster  
John Sousa

Members absent: James Bosworth  
Michael Kehoe  
Damon May  
Stuart MacGregor  
Kevin Shea

The meeting was called to order at 7:02 p.m.

## PROJECT UPDATES

### *Stone Barn Farm*

Mr. Baker-Smith had met with Gregory Barnes to discuss the restoration and rehabilitation of the tractor barn. David Cressman is concerned whether that aspect of the project was an eligible use of CPA funds because a portion of the work was for the caretaker's apartment. Mr. Baker-Smith had reviewed the entire project file, as well as the relevant meeting minutes and the legal opinion of Town Counsel Anthony Savastano. There were no eligibility concerns raised. No concerns were voiced at the public hearing, which meeting was attended by Mr. Cressman and others.

Mr. Baker-Smith feels that the CPC did its due diligence with this proposal which included obtaining an opinion from Town Counsel and holding a public hearing. He also agrees that even

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if the process of recommendation to fund a project is transparent and comprehensive, it may still contain ineligible tasks. When Town Meeting approved funding, the grantee (Massachusetts Audubon Society) moved forward with its project with the understanding it was supported by the Town. He feels that if the Town chooses to revisit the expenditure of funds, they should pursue the matter with the grantee. A starting point should be with Town Counsel. If his opinion has changed, an accounting would need to be done on that aspect of the project. There is approximately \$172,000 remaining as retainage. The preservation restriction was the final requirement of the project, which document is now in place.

### ***O'Connor-Sisson House for Veterans***

The Housing Authority and Partners in Housing are ready to close on the financing. In preparing the documentation, it was determined that there had been a name change. Partners in Housing, Inc. is now Partners in Housing, LLC. Mr. Baker-Smith feels the change does not affect the Grant Agreement's validity; however the financier may require an amendment. Mrs. Lancaster said the LLC will be eligible to lease the property from the Housing Authority, which lease will be for a term of 99 years. The closing is expected to take place on or about August 17, 2015.

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A discussion took place regarding the Stone Barn Farm project. Mr. Sousa said that even though there is a possibility a mistake was made, no one has voiced an opinion that it was a deliberate act. He said the Audubon Society has a proven track record and has brought positive change to Dartmouth. They require funding to continue their work. If the Town chooses to pursue the matter regarding the tractor barn, it could create concern at the corporate office or by benefactors who may become apprehensive to provide funds to the Mass. Audubon Society in Dartmouth. Moreover, an association may wish to avoid awarding grants to any organization that is located in the Town of Dartmouth. The risk of loss potentially outweighs the prospect of gain.

Mr. Baker-Smith said that even though everyone acted in good faith using the best available knowledge to them, they are not exempt if a law is broken. Mr. Sousa said not every situation involving a breach of the law is necessarily pursued. Would the end result in this case justify the pursuit? Ms. Latimer does not consider it a mistake but rather an interpretation that seemed reasonable at the time. Attorney Savastano, the CPC and the public did not raise any concerns. Mr. Baker-Smith agrees that no one considered there was a problem then or in the five years following. The grantee acted in good faith upon the judgments of the CPC and the Town. They were clear and transparent about their project and committed their funds and time based upon those judgments. An accounting should be done to determine to what degree this is an issue. What needs to be remedied, if anything?

In other business, the roof work has begun on the Apponegansett Meeting House. Also, Town Meeting went well, and all the projects were approved. Grant Agreements will be drafted.

A discussion took place regarding open projects with unexpended funds. Deborah Melino-Wender was present and provided updates. Regarding the Rogers Street Boat Ramp projects, the Waterways Commission wishes to use the remaining funds to construct a walkway. They anticipate receiving funds from the Bouchard oil spill settlement, which funds would be applied

toward the walkway. Ms. Melino-Wender does not know the status of the settlement funding. Mr. Sousa is concerned that sidewalk/roadway improvements may not be included in the scope of any of the three projects. If they are not, the remaining funds cannot be used for that purpose and should be recaptured. The CPC will review the project budgets to make a determination.

Regarding the Paskamansett Park II project, Ms. Melino-Wender said the remaining funds (approximately \$3,500) will be used in combination with funds from a Conservation Commission account to purchase a Stormceptor catch basin. The unit will be installed by the Department of Public Works. Mr. Baker-Smith asked that Mr. O'Reilly provide an estimate as to when the work will be complete.

Regarding the Russells Mills Library projects, the work has been completed, and project close-out reports have been submitted. All remaining funds will be recaptured.

The next funding round will begin shortly. Applications are due June 19, 2015. They will be reviewed at the July meeting, which date had not been assigned.

A project update for the Historic Building Inventory had been sent to Mr. Baker-Smith from Judith Lund. About 20 more Forms have been submitted. Ttl-Architects has been doing the work piecemeal, therefore progress has slowed. He asked Ms. Lund to encourage them to complete the project so the Historical Commission can move forward with providing accessibility of the data.

There was no further business.

The meeting was adjourned at 7:47 p.m.

Respectfully submitted,



Susan D. Dorschied  
Administrative Clerk

Approved,



Howard Baker-Smith  
Chair