



# TOWN OF NORTHBOROUGH Community Preservation Committee

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Approved 1-15-09

## Community Preservation Committee Meeting Minutes December 4, 2008

**Members Present:** John Campbell, Tom Sartori, Bob Rosenberg, Todd Helwig, Jane Fletcher, Chris Kellogg, Andy Clark, Don Haitsma

**Members Absent:** Joan Clowes

**Others Present:** Ross Jones

Chairman John Campbell opened the meeting at 7:30 pm.

### Open Space Committee Report - Acquisition of Land owned by Andrew Silver

Mr. Campbell explained that the Community Preservation Committee (CPC) transferred funds to the Conservation Commission fund two years ago. Presently the Conservation Commission is close to signing an agreement with Andrew Silver for land he owns on Mt. Pisgah. There has been a “handshake” agreement, but no final agreement yet. At their December 4, 2008 meeting the Open Space Committee voted 6 - 0 in favor of supporting this land purchase. The Conservation Commission will finalize the agreement at their December 8, 2008 meeting.

Mr. Campbell confirmed the money for this land purchase has already been allocated, however the Conservation Commission would like to use CPC Administration account funds for fees associated with the land acquisition, including approximately \$2000 for a site inspection and 21E study, \$350 for a Title Report and \$125 for recording fees.

Mr. Clark stated he supports the land acquisition but believes all money should come out of the Conservation Commission funds. He explained it’s an accounting issue and he wants to make sure people don’t think they’re doing “slippery” things with the CPC administration money. He stated it opens the door for anyone else to request money for projects if they’re in the spirit of the CPC. It gives people an opportunity to raise eyebrows and for \$3000 he questioned why they would want to give them that opportunity.

Mr. Kellogg asked Mr. Helwig if the Purchase & Sale Agreement has any clauses in it to protect them if there’s hazardous waste on the site.

Mr. Helwig stated it would be part of the 21E study, but looking at it, they couldn’t see anything. At one time there was a farm in the area.

Mr. Clark stated there were orchards and could be pesticide residuals in the soil.

Mr. Kellogg stated he was not concerned about the appropriateness of using CPC administration funds for the additional fees.

Mr. Helwig stated if the Conservation Commission didn't have the money, it would be appropriate.

Mr. Clark stated it's not money the CPC had put there for that reason. The CPC is funding an account for the acquisition and now the Conservation Commission doesn't want to spend the money in their account.

Mr. Campbell questioned if the CPC is within their rights to use their Administration funds for inspections, or only if they're sponsoring specific articles.

Mr. Clark stated he doesn't believe the items associated with the land purchase are separate from the funds for the land purchase.

Mr. Sartori confirmed with Mr. Helwig that the Conservation Commission funds have accumulated interest over the last two years.

Mr. Rosenberg stated there is enough money in their account to pay for the fees associated with the land purchase. He explained the Conservation Commission has special legislation governing acquisition of land and without knowing the specifics he'd rather they kept it simple by letting the purchase be handled entirely by the Conservation Commission. If some funding is necessary they could go to Town Meeting to transfer the money.

Mr. Kellogg asked if they gave the Conservation Commission the money to purchase the land and all costs associated with a purchase such as appraisals, environmental reports, recording fees etc. or just strictly to cover the purchase price of the land.

Mr. Clark stated if it's an appraisal, the CPC will act upon it if the costs are valid. If it's for exploratory costs for the Conservation Commission, the CPC is the funding agency and not making decisions, not participating in voting or the spending of funds. Not being on the active end of the partnership opens up that door and sets a precedent for other agencies to say they want the CPC Administration account to pay some costs.

Mr. Campbell asked if they were talking about helping the town weigh the option and investigate a possibility for preservation and approval, would they use the CPC money to further a cause.

Mr. Clark stated another agency encompassed the costs into their article. This is a major part of the use of the CPC funds and if it's allowed for the Conservation Commission, in people's minds it opens it up for other uses.

Mr. Haitsma stated if the Conservation Commission has the money they should pay the fees.

Mr. Rosenberg stated they might want to ask the Conservation Commission to clearly acquire land using their CPC funds, so there are no questions 5 years from now if municipal land was bought with Conservation Commission funds or CPC funds. He wants the land to be in possession of the municipality through the CPC funds and not through other funds.

Mr. Helwig stated the buyer of the land is the Town acting through the Conservation Commission. The Board of Selectmen is the municipal corporation.

Mr. Campbell stated that, according to CPA legislation, land requisitioned with CPC funds must have a conservation restriction on it and be held by a third party. Town Counsel feels this is unnecessary since the land is not being acquired directly by a CPA article, but by the Conservation Commission with money funded by the CPA.

Mr. Rosenberg, reading from Town Counsel's summary letter from two years ago, stated it will have to have a deed restriction under MGL 84. CPC and authorized the Conservation Commission to grant the restriction.

Mr. Sartori stated they don't have any say on what happens with the property.

Mr. Helwig motioned to endorse the purchase of the Andrew Silver property on Mt. Pisgah by the Conservation Commission. Mr. Kellogg seconded the motion and the vote was unanimously in favor.

Mr. Rosenberg motioned that the CPC recommend the Conservation Commission pay all acquisition expenses involved in the purchase of the Andrew Silver property on Mt. Pisgah from their CPC-sourced funds granted at town meeting. Mr. Sartori seconded the motion and the vote was unanimously in favor.

### **Review of CPC Applications**

**Mr. Campbell assigned numbers to the submitted applications as follows:**

#### **Open Space/Recreation Category:**

1. Open Space Committee - \$300,000 for open space reserve account
2. Open Space Committee - \$1.5 million for land acquisition
3. Police Department - \$19,800 for trails & open space protection patrol vehicles
4. Trails Committee - \$6000 for trail construction materials (\$5000) and five nature trek packs (\$1000)

#### **Historic Category:**

5. Town Clerk - \$35,000 for preservation of town records (phase II)
6. Historical Commission - \$100,000 for historic reserve account

7. Historical Commission - \$9000 for listing of three properties on National Register of Historic Places

**Open Space/Recreation and Historic Categories:**

8. Parks & Recreation Commission - \$86,250 for gym floor replacement
9. Housing Partnership - \$20,000 for housing needs analysis
10. Northborough Affordable Housing Corporation - \$300,000 for housing acquisition

Mr. Campbell presented some background information for application #2, the Open Space Committee's (OSC) application for \$1.5 million for land acquisition. He stated the OSC is seeking acquisition of land on Green Street and felt the name(s) of the land owner(s) should be held in confidence. They have not had a formal discussion with the property owner. The article for Town Meeting would be written around the opportunity to acquire and preserve the land. The land was formerly owned by a trust and is known as "The Meadow". The appraisal of the property had been previously approved by the CPC. It took 6 months after the approval to get the owner to agree to the appraisal. A representative from Sudbury Valley Trustees is the liaison who met directly with the property owner and will continue to hold discussions on options for acquiring and preserving the land. The OSC is anticipating the approximate purchase price to be \$1.5 million dollars, but they are hoping it will be less, either through a negotiated amount with the landowner or other sources - possibly through a self-help grant with participation by another entity such as Sudbury Valley Trustees or Mass Wildlife. Another option may be a conservation restriction under which the owner owns and works the land and which would include the right to passive recreation with the trails network. It's a means by which the Town can acquire the land and the landowner lives on the land for the rest of his/her life and maintains it. When plans are finalized, the OSC, through the Sudbury Valley Trustee liaison, will approach the property owner with an offer. The OSC's CPC application will be filed on the premise that they would have a handshake agreement in time for Town Meeting. Part of the agreement would require significant cash up-front as one of the owners wants cash quickly, and they may need to finance that out of Town Meeting funding, which is a good use of their reserves.

The rest of the applications were reviewed very briefly. Mr. Campbell noted the public hearing for the presentations of the 10 applications would be opened on January 15, 2008 at 7:00 pm and continued on January 29, 2008 at 7:00 pm. The order in which the applications will be presented is as follows:

**On January 15, 2008:**

- #1 Open Space Committee - \$300,000 for open space reserve account;
- #2 Open Space Committee - \$1.5 million for land acquisition;
- #8 Parks & Recreation Commission - \$86,250 for gym floor replacement;
- #9 Housing Partnership - \$20,000 for housing needs analysis; and

#10 Northborough Affordable Housing Corporation - \$300,000 for housing acquisition.

**On January 29, 2008:**

- #3 Police Department - \$19,800 for trails & open space protection patrol vehicles;
- #4 Trails Committee - \$6000 for trail construction materials (\$5000) and five nature trek packs (\$1000);
- #5 Town Clerk - \$35,000 for preservation of town records (phase II);
- #6 Historical Commission - \$100,000 for historic reserve account; and
- #7 Historical Commission - \$9000 for listing of three properties on National Register of Historic Places.

Mr. Campbell stated that, after the public hearing is closed, the CPC will meet on February 12, 2008 at 6:00 pm to decide which applications they will support as warrant articles for Town Meeting 2009.

**Adjournment**

Mr. Sartori motioned to adjourn the meeting at 8:45 pm. Mr. Kellogg seconded the motion and the vote was unanimously in favor.

Respectfully submitted,

Debbie Grampietro  
Planning & Engineering