

COMMUNITY PRESERVATION COMMITTEE
Draft: January 10, 2012

ORLEANS TOWN CLERK
K. Darling, Asst.
'12 JAN 19 4:10 PM
January 05, 2012
Approved: *January 12, 2012*

1. The meeting was called to order at 5:00 p.m. in the Nauset Room at Town Hall. In attendance; Steve Bornemeier, Julia Enroth (chair), Sue Christie, William Garner, James Hadley, Catherine Hertz (clerk), Jon Holt, Alan McClennen (vice-chair), and Steve Phillips
2. There was no public comment.
3. Minutes of the December 1, 2011 meeting were approved. 9-0-0
4. 5:05 pm – Finance Director, David Withrow – re: CP Funds Financial Projections*
 - David reviewed and explained the financial projection spreadsheet. Questions and discussion followed.
5. FY 2013 Community Preservation Applications

Federated Church of Orleans (heating and air conditioning system) \$121,000

- a. Town Counsel Comments – “Lastly, if the CPC funds this project, the Town should have a preservation restriction on the property to insure that the investment of public funds in this project will be protected. It is my understanding that the preservation restriction has been prepared for a past award of funds. The status of this should be reviewed and the preservation restriction amended, as necessary.”
- b. Alan McClennen – liaison
- c. Questions for Interview: Need to see the documents from the Federated Church. Might consider heating system, but the air conditioning might be an issue. Need more detail on what was done and how it was done. What sort of funds were used to pay for it? Why didn't they apply prior to doing the work?

Affordable Housing Committee (replenish affordable housing trust) \$70,000

- a. Town Counsel Comments – “The appropriation of CPA funds to the Housing Trust fund is a permissible use of CPA funds provided the funds are used for community housing as defined by the CPA.”
- b. Julia Enroth liaison
- c. Questions for Interview: Under the jurisdiction of the Board of Selectmen. Funds are sometimes used to fund deed restrictions. How have the funds been spent in the past? Use of the trust fund monies to date? How was the trust fund set up in Orleans?

Orleans Planning Dept. (Nauset Beach access plan – habitat assessment) \$4,500

- a. Town Counsel Comments – “The Town proposed work does not appear to be the preservation of land for recreational use. The CPA defines preservation as the ‘protection of personal or real property from injury, harm or destruction, but not including maintenance.’ Possibly, if the clearing of the road is necessary to improve public access to Nauset Beach it may be deemed preservation of land for recreational use (or the use of the road for such access could be the creation of recreational use, i.e. access is necessary for the recreation use.)”

Orleans Conservation Trust (Fleck Property Acquisition II) \$120,000

- a. Town Counsel Comments – “The Town must own any property interest acquired or taken with Community Preservation monies. Here the Town would be acquiring a real property interest, i.e. a conservation restriction on the Twining Pond property. Accordingly, the acquisition of a conservation

restriction for open space and recreational purposes on the Twining Pond property would be a permissible use of CPA funds. The purchase of the CR would be subject to an agreement including terms acceptable to the Town including but not limited to good and clear record and marketable title thereto and with the terms and provisions of the CR subject to the approval of the Town."

b. Catherine Hertz liaison.

c. Questions for Interview: Need to find out how this is going to play out in the next fiscal year. What are alternatives for coming up with additional funds? Appraisals of the property came in close to \$900,000. Fleck sisters are selling at a significant discount.

Habitat for Humanity (five affordable homes) \$600,000

a. Town Counsel Comments – "This project would be eligible for CPC funding because it will result in the 'creation' of community housing and it is the 'support' of community housing."

b. Julia Enroth liaison

c. Questions for Interview: Is the house going to be torn down? Is this project doable with less than the requested amount? What other approvals do they need to get from the Town? This application needs to go to the Historic Commission.

Orleans Historical Society (preservation of glass plates and lantern slides) \$7,000

a. Town Counsel Comments – "In order to be considered 'historic resources' the Orleans Historical commission would have to make a determination that 'selected glass plates and lantern slides' are significant in the history of Orleans. If the items are determined to be historic resources then the project would appear to be eligible for funding as the preservation of historic resources. Lastly, if the CPC decides to fund this project, I would recommend that the CPC place a condition on the funding, whereby the OHS agrees that if it ever intends to dispose of the items, then the OHS will first offer the items to the Town."

b. Jon Holt liaison.

Odd Fellows Lodge (Odd Fellows Hall restoration) \$96,762.16

a. Town Counsel Comments – "It does not appear that the addition of a commercial kitchen with equipment would be included within the terms 'preservation, rehabilitation, and restoration' of the historic Odd Fellows building."

b. Sue Christie liaison

c. Questions for Interview: Verify plumbing estimates. Fund raising efforts, past and proposed? The architect plan for the beginning phase of the patio? Need a better understanding for what the architect is working on and what the Odd Fellows' plans are.

6. Project Monitoring – Updates and Expenses

a. Eldredge Park (Jim Hadley) – Paul Fulcher said the work was done incorrectly on the field. It doesn't drain properly. Will have to be corrected before sprinklers can be installed.

b. Sea Call Farm (Steve Bornemeier) – Invoices submitted. Closing out pasture project.

7. There was no old business.

8. New Business – The December Monthly CP Budget* was reviewed.

9. Key Dates / Timeline – CP C January through February Schedule
 - Drop dead date for warrant is February 23
 - February 16 – final recommendations
 - February 9 – hearing
 - January 26 - 5:15 – Conservation Trust
 - January 19 – 5:15 pm Historical Society, 5:30 pm Federated Church, 6:00 pm Odd Fellows
 - January 12 – 5:15 pm George Meservey (Housing Trust, Habitat, Beach access), Victoria Goldsmith (Habitat)
10. There being no further business, the meeting was adjourned at 6:45 pm.

Respectfully submitted,



Sandra A. Marai, Secretary
Community Preservation Committee

*Reports on file at Town Hall

**Complete copy of Town Counsel's Review of Applications on file at Town Hall