

COMMUNITY PRESERVATION COMMITTEE

Minutes of the May 20, 2009 Meeting
Wellesley Police Station

The meeting was called to order at 7:35 p.m. by Chair Jack Morgan.

CPC members in attendance were: Kit Bowry, Jim Conlin, Rose Mary Donahue, Joan Gaughan, Dona Kemp, Jack Morgan, Tony Parker, and Helen Robertson. Bradley Boyd was absent. Also in attendance were: Bob Goldkamp, member of the Wellesley Housing Development Corporation Board and Stuart Saginor, Executive Director and Kim Gilman, Legislative Affairs, from the Community Preservation Coalition.

CITIZEN SPEAK: No citizens were present to address the committee.

PRESENTATION BY THE EXECUTIVE DIRECTOR OF THE COMMUNITY PRESERVATION COALITION

The Chair introduced Stuart Saginor, Executive Director of the Community Preservation Coalition, who made a presentation on the status of Community Preservation Act and the activities of the Coalition. (A CD and compressed file of the presentation slides will be made available.)

142 communities have adopted the Community Preservation Act. This represents 40% of the Commonwealth's cities and towns. Seventy-four communities voted to adopt the maximum 3% tax. Although twice as many funded projects involved historic preservation, most dollars went to housing and open space. Legislative amendments to siphon funds from Community Preservation are common, but to date all have been successfully thwarted.

The fund has provided a 100% match its first 6 years. 2005 was the first year that the fund took in less than it paid out. Revenues for 2009 are estimated at \$21.7, and the estimated match for 2009 is 29%, as compared to 68% last year.

There was a discussion of the types of projects (other than housing and historic preservation) that would be eligible for CPA funding, and more specifically how "preservation" can be applied to recreation purposes. Mr. Saginor noted that in order to qualify for funding under preservation, the project must protect the resource from injury, harm or destruction.

Mr. Saginor then outlined SB90, the Act to Sustain Community Preservation filed by State Senator Cynthia Creem, which was filed last session and made it through committee but was not moved forward. The bill, which will be re-filed this year, has three major components:

1. to increase revenues to the trust to guarantee a 75% match during the first round; this will likely be achieved by an increase in fees at the Registry of Deeds
2. to adopt changes that will make participation by cities more attractive without diluting benefits for communities currently participating; the incentive under review is allowing communities to adopt the minimum 1% tax, and allowing them to transfer other municipal revenues up to the full 3% (e.g. a city might opt to transfer linkage funds for affordable housing to the fund); this would be a year by year decision by the community
3. to clarify language to broaden eligibility for recreational purposes by allowing "rehabilitation" or "restoration."

The bill has 82 co-sponsors (including Sen. Brown and Rep. Peisch), and they are currently awaiting a hearing date in early fall. In order to receive support for the bill, it is imperative that the Act be made more attractive to cities.

Kit Bowry asked what number of communities had significant reserves, and whether this was a concern. Mr. Saginor noted the majority of communities spend a significant portion of the revenues generated each year. There are only 2 or 3 communities with reserves over \$5 million.

Mr. Morgan asked and it was confirmed that actions by Community Preservation Committees require a simple majority of those present at the time of the vote (presuming a quorum), and not a vote of the majority of the entire committee. Mr. Saginor noted that although DOR guidelines originally indicated otherwise, no regulations have promulgated for the Community Preservation Act, and that the Attorney General has ruled that a simple majority is required.

The Chair thanked Mr. Saginor and Ms. Gilman for their attendance and informative presentation.

APPROVAL OF MINUTES

On a motion made by Dona Kemp and seconded by Tony Parker, the minutes of the February 3, 2009 were approved by unanimous vote with minor changes. On a motion made by Tony Parker and seconded by Helen Robertson, the minutes of March 3, 2009 were approved by unanimous vote with minor changes. On a motion made by Tony Parker and seconded by Dona Kemp, the minutes of the April 22, 2009 meeting were approved by unanimous vote with minor changes.

MEMBERSHIP UPDATE

Mr. Morgan briefed the Committee on progress to date on the membership for next year. Jim Conlin will continue as the Recreation Committee representative. Allan Port will be appointed by the Moderator to a 3-year term. It is his hoped that Bob Goldkamp will consider a Moderator's appointment to represent the Housing Development Corporation, as Dona Kemp rotates off the Committee. The remaining two terms expiring are seats filled by Helen Robertson (Historical Commission) and Rose Mary Donahue (Planning Board). Both committees are in the process of reorganizing, and appointments for these seats will be resolved in coming weeks. The Chair asked that we would defer reorganization of the Committee until the new members are in place.

REPORTING FORMS

The Chair noted that Dona Kemp had graciously volunteered to resurrect Project Report forms developed a few years prior. He noted that funded projects sponsored by Town departments and committees are subject to the requirements of the Town's financial systems; therefore, there is adequate reporting. The proposed Project Report will ensure that other entities report on progress toward completion of a funded project in a timely fashion, and will provide a mechanism for tracking how funds are being expended. Mr. Conlin noted that certain projects, by their nature, have somewhat indefinite timelines (e.g. the Marshall Road project), so some flexibility with regard to schedule is needed. On a motion made by Tony Parker and seconded

by Helen Robertson, the Committee voted unanimously to adopt the Project Report forms as proposed.

WEBSITE

The Chair has begun discussions with the Office of the Executive Director regarding the CPC website.

DECISION GUIDELINES AND POLICIES AND PROCEDURES

Kit Bowry reported on the proposed update of the Committee's Decision Guidelines. There was a discussion of the proposed deletion of bullet four which references the "creation of incentives" for collaboration. There was support for language that would encourage collaboration, but it should be made clear this criterion is not a prerequisite for favorable action. Mr. Conlin offered to draft language to clarify this point for inclusion in the Guidelines.

The Chair noted that proposed changes to the Policies and Procedures document were minor with the exception of the amendment suggested to Section 2.F. Current language requires five affirmative votes in order for a motion to pass, where a simple majority of the quorum in attendance is required by the Act.

The Chair noted that Section 3 outlines the statutory responsibilities of the Committee with regard to financial planning. He would favor the development of a financial plan that would estimate revenues and provide a forecast of available funds. He noted that the Town has a 5-year capital plan, which requires all Town boards to project their capital expenses. This could be used to identify expenses that would be eligible for CP funding. A financial plan would be helpful in evaluating the potential for major projects. It also might help to better control projects coming into our funding pipeline, but it should not preclude our ability to continue funding smaller projects of merit that might not appear on a 5-year plan.

The Chair agreed to redraft and re-circulate the proposed Policies and Procedures for further consideration at our next meeting.

There was a discussion of the need to be more proactive in communicating with the Advisory Committee regarding potential projects. Ms. Kemp noted the requirement that copies of all approved meeting minutes be filed with the Town Clerk.

REQUEST FOR PROPOSALS

The Chair suggested that he send letters to the 5 boards represented on the Committee (including the Housing Development Corporation) and to the Selectmen asking them to identify projects that might be eligible for CP funding. He would like to have their recommendations by August 1 in order to have sufficient time for the development of applications. Mr. Parker suggested that we also contact Public Works. It was suggested that conversations with individual board members or attendance at one of their meetings might be fruitful in soliciting ideas. The Chair, working with Mr. Parker, will draft the letter to be sent to other boards.

The Chair asked members to forward any additional suggestions regarding the Decision Guideline or Policies and Procedures documents to his attention.

Helen Robertson noted the need to be clear on the role the Historical Commission plays in proposals involving historic preservation. The Chair noted that in order to be eligible for funding such projects would need to be listed on the national or state registry of historical places or be deemed by the Historical Commission to be historical. In addition, all work undertaken with CP funds would need to be done according to Department of the Interior Standards.

Ms. Robertson then noted that questions have arisen regarding the proposed reuse of flooring from the Original Town Hall (OTH), including the actual age of the flooring. The Chair noted the Committee's support of the reuse of these materials in Town buildings, and indicated we would follow the lead of the Historical Commission.

The meeting adjourned at 9:59 p.m.

Respectfully submitted by Rose Mary Donahue