



COMMUNITY PRESERVATION COMMITTEE

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FAIRHAVEN COMMUNITY PRESERVATION COMMITTEE PUBLIC MEETING MINUTES Wednesday June 30, 2021 at 6:30 pm

1. ADMINISTRATIVE BUSINESS

a) **Chairman's Welcome and Media Notification**

Chairman Jeff Lucas opened the meeting at 6:37PM and welcomed all. Mr. Lucan read the Open Meeting law statement per the State of Emergency issued by Governor Baker.

b) **Quorum/Attendance**

Mr. Lucas and Mr. Paul Foley confirmed a quorum and attendance.

In attendance: Jeff Lucas, Ann Richard, Carol Alfonso, Gary Lavalette and Beth Luey via zoom, Roger Marcoux at Town Hall with Paul Foley

Absent: Terrence Meredith and Marcus Ferro

Mr. Lucas welcomed the newest member representing the Fairhaven Housing Authority, Ms. Carol Alfonso. Mr. Lucas reviewed the other committee members in attendance and said we should confirm if Marcus Ferro wants to stay on the Committee.

c) **Minutes: May 12, 2021 draft to be reviewed**

Ms. Richard made a motion to accept the minutes of May 12, 2021. Mr. Foley mentioned Ms. Luey sent a copy with a number of corrections and recommends that we make those corrections. Ms. Luey said they were mainly typos, nothing substantive. Ms. Richard updated her motion to approve the amended minutes of May 12, 2021, seconded by Ms. Ms. Luey. Mr. Lucas mentioned a correction needed on line 42/43 should state "some towns have Town Meetings" instead of just some Town Meetings. Ms. Richard asked if it is a typo can we submit to Mr. Foley and then approve the minutes as amended. Mr. Lucas said it is additional word, and also on line 114 "falling through the cracks" should say "don't fall through the cracks." Roll call vote, 4 in favor, 2 abstentions (Gary Lavalette and Carol Alfonso), and motion passes.

d) **Correspondence**

No correspondence. Ms. Luey wanted to commend Patti Pacella for all she does on the minutes for CPC.

2. GENERAL BUSINESS

a) Draft Contracts for FY22 Appropriations

Mr. Foley shared the screen and reviewed from the slide show deck. There are mostly administrative conditions included in the grant agreements such as: Compliance with laws and Agreement, get permits and licenses, No Liability of Town, CPC Act Awareness, Return of Remaining Funds, etc. We will want notification of when project has begun and periodic updates. Mr. Foley suggested that when applicants are completing work and submitting receipts we should require project update at that point, before dispensing money.

Mr. Lucas said it would be the letter that we would ask the Applicant to sign the grant agreement accepting the conditions. Here is where we have to add specificity. Mr. Lucas said he liked Nahant's introduction to the grant agreement. They specify the amount in writing and in numbers. They specify the Town Meeting date. Very specific to set the scene in reference to when and how much.

Mr. Lavalette said could be difficult for some projects like the Skate Park. They might have more than one contractor, not sure if there would be a lead contractor or an architect so could be tricky because that number may fluctuate quite a bit. We want to put responsibility on someone for the project but in a case of the Skate park, hopefully the Town will do a lot of the work, how do we make a point person out of that and contractual.

Mr. Lucas said whoever signs the paper is responsible, that is who you deal with. We request in the application how they anticipate the work to be done. Mr. Lavalette said it is difficult to put a point person on that unless a board committee member wanted to do that and be a point person.

Ms. Luey said our agreement is not with a contractor, our agreement is with the Applicant. Our contact person is responsible for the whole job no matter who is doing what and that is who we deal with.

Mr. Foley said he would be the contact person on the committee side and we need to identify someone from the project which is Mr. Lavalette's point. He would report to the committee, Applicant would deal with him and that is what needs to be identified from each project who will be responsible for supplying updates, receipts and final product.

Ms. Richard said feel like we are talking about changing our application process for the future versus sending out a letter for the people who just received the grants. Ms. Richard added the letter received as a draft from Mr. Foley that Ms. Luey had a correction on is perfectly fine to send out with a few additions to it.

Ms. Richard said right now before us is the letter Mr. Foley drafted, really well done and taken from different CPCs and we need to use moving forward in application process. Letting people know, whoever won the award, letting us know who the contact person is and this is what you agreed to for this project. We should get this out to them now since July 1 is tomorrow. The process does take a long time and the organizations want to know what their next step is when they are rewarded this money and this is a good way to do it and this is best want to start our new application process.

Mr. Lucas said he had a few other asks, do we want to put a time limit on it, two years, three years depending on the type of project. As we have seen some of these get very old and not getting good feedback as to why. Mr. Foley suggested we add language to the effect that if the project is not going to be completed within two years please request an extension from the committee in writing.

Ms. Richard said she did not think there was anything wrong with mentioning a line that says after a year you have to check back in with us if the project is not completed by June 30, 2022. Would like to see that line added, doesn't give a timeline, it says that you have to check in after a year.

Ms. Luey said she likes deadlines, even if not a real deadline, it's a goal. Report back to us at the end of a year, we want to know how far you have gotten. They help keep people on the job. Mr. Lucas said that puts the onus on them and we would not be unreasonable about extensions if they ask.

Ms. Richard asked to have Mr. Foley amend the letter to include for this first year to include checking back with us before July 1, 2022 with a status update. So there would be 12 points in the letter.

Mr. Foley asked for any other specific conditions for any of the projects listed.

Ms. Luey suggested on the Whitfield Manjiro House, should we specify site visits because there have been problems with materials and construction. If we wait until it is finished we cannot see what is underneath.

Mr. Lavalette said he has been going there once a week to check on them and make sure they are on the same page. They had boxed up some windows they said they would handle in the future and needed to care for now so they agreed. They have taken a lot of photographs and he has talked with the builder and they are making sure that they put things back the way they were. Exterior doors are unusable so they photographed and will reproduce them. He was called by Gerry Rooney who asked him to stop by. Anyone can go by and get a rundown. They are making sure it is weather tight.

Mr. Foley suggested adding something like when you are prepared to submit receipts for part of the project please submit a project status update and be prepared that the committee and/or contact person may make a site visit.

Mr. Lavalette asked if the board would vote whether they have completed enough to ask for a certain amount of money. The board may have to go and see and substantiate that it is justified. For example, Rich Charon is the architect on a project, would he be the point person to ask if this amount of work has been done and report that the work has been done then the board votes to give the money.

Mr. Foley asked if it should be the Applicant. Mr. Lavalette said he felt more comfortable with the architect reporting out or an inspector then we vote.

Ms. Richard said on this project (Manjiro House) they should not be using CPC funds for work prior to July 1, 2021. Bills are submitted and itemized and previously we would sign as committee members, now she thinks this is the Chair and Mr. Foley that look at and sign the bills, we do not vote on the bills as committee members anymore.

Mr. Lucas said he does not see them. Mr. Foley said they go to Marie (Administrative Assistant for Planning). She reviews with him and then they go to the Town Accountant and if there are questions the Town Accountant will call him and ask. He just found out some of the older bills go to the Select Board's office of Historical Commission.

Mr. Lucas suggested adding in that all invoices have to be sent to CPC. To get back in control of what money is going out and for what reason.

Mr. Lavalette said with the Academy Building ramp, they will do work, contact architect, architect will go verify and ask the Commission what they think. The Commission representative will go by and verify work has been satisfied and then payment is approved. At times when asked for more work that it looked like was completed, they held back on the money until it was conveyed to the builders that they wanted more work completed. Once satisfied they approved the payment. Not sure this can be done with all projects. They did this on the Academy Building and on the Fort.

Ms. Richard said as long as she knew, committee members signed off, not sure why it stopped and at least should go back to the Chair signing off on the bills so there is someone looking at them. Mr. Lucas did not know why that stopped and was told it was done by Mark Rees.

Mr. Lucas said to go back to the point on the architect and if enough work is done. Has a problem with a contractor doing part and submits a bill and the architect has estimates for work which can come in higher or lower than the estimate. Don't think we can hold money from the contractor if he feels the estimate was too low. Contractor may see the estimates and make amendments to it after seeing the bottom line and say no way can they do that. Also, not sure if the architect may stay on board through the whole project. We sign the agreement with the Applicant and it's up to them to make sure that what is being invoiced is appropriate. Some work may be subcontracted out.

Mr. Lavalette said on the projects most have architectural or mechanical stamps that are required by law. The problem is we have to put more emphasis on to be held accountable. They are the experts, came up with the cost estimates, overseeing the project and ensuring it is done structurally sound. Our best weapon is these architects because that is their stamp on there, they cannot do these projects without that stamp.

Mr. Lucas said contractor may submit a bill, not every project will have an architect. If there is then you are right, architect should be consulted before any payment unless it is easy to determine completion. Point person checks with the architect and reports back.

Mr. Lavalette said he is wants applicants to submit payment documenting why they need that much money, what work was provided to warrant that money at that time. This would

be documented through the architect. Mr. Lucas agreed with that.

Ms. Richard made a motion to have Chairman of the CPC signs off and review all CPC funding bills with the Planning Director before they are approved for payment, seconded by Ms. Luey, no further discussion, roll call vote 6-0 in favor, motion passes unanimously.

Ms. Richard made a motion to approve the draft letter from Mr. Foley submitted to the committee with the addition of number 12 referenced earlier and send out with the provisions to include site visits and the update on payments. Motion seconded by Ms. Luey, no further discussion, roll call vote 6-0 in favor, motion passes unanimously.

Mr. Lucas wanted to go through the Specific Conditions per project. For example, the Skate Park, be clear, remove asphalt and replace with concrete. Could say remove asphalt from flat surfaces, take the language from the application. On Green Meadows roof, say per capital planning specs as presented. So if someone wants to know, they can go to the application and there it is.

Mr. Lucas continued, on the High School the architect is Spence, Sullivan and Vogt. Would say, restoration as per architectural specs of Spencer, Sullivan and Vogt. Once start receiving CPC money they are committed to upholding the rules and regulations of the awards.

b) Open CPC Appropriations Review

Mr. Foley showed the FY21 Open Appropriates Update on screen

Mr. Foley said he sent a memo on them today and checked up on the items. Open projects over two years old.

2015 – Fort Phoenix Revetment Wall – checked and got a closeout email from Wayne Oliveira at the Historical Commission. They had about \$70,000 left, did not spend due to the waterproofing work not being able to be done to spec. Turn back \$70,164.18. Mr. Lucas said they can always reapply.

2015 – Bike Path Signage – reconstituted and plan to use funds this year, remains open.

Mr. Lucas said this is also a project that highlights why we should have deadlines, it's for signs. Now are slipping away, not the exact same signs, not going in the exact same places. Pushing the envelope, if say yes to that then where do you stop saying yes. Will revisit it with deadlines next year. This is why we need deadlines.

Mr. Lucas recommends replying to indicate you have 6 months to use this money or we will close the account, use or lose.

2017 – Oxford School Residences – \$50,000 in account Project in progress, Marie rejected partial, the request was just money towards the project. Mr. Lucas said he recalls the money was to show good faith. Next time this should be out of free cash or another budget. Mr. Lavalette said this is a multi-million dollar company asking for money, a for-profit asking for money. At this point project must be completed before reimbursement.

2017 – Town Hall Restoration Study – most of the money spent, found the contract and left message asking for the deliverables. We do not have a copy of the study yet. Mr. Lucas asked to clarify amount spent. Mr. Foley said \$9,800. Mr. Lucas said the other money is still in our bank, they just have to say it is completed and we close it and turn it back. Send a letter with a deadline on that one.

2017 – Academy Building Doorway and Handicap Access – In progress, remains open as outlined in presentation.

2018 – Green Meadow Window Replacement – project complete, they will be submitting for reimbursement.

Mr. Lucas said on this one, ATM approves a percentage rather than an amount so if they came in \$50,000 less than total estimate they would not get the remaining \$40,000 they would get a percentage, take \$50,000 off the total project and pay 18%.

Ms. Richard said that is hard to predict, at Town Meeting we have to give an amount. For this year we would not know what the amount would have been so can give a difference back if it is less, but to say we are voting on 18% of a project we don't know will be completed in three years is difficult to vote on at Town Meeting.

Mr. Lucas said they probably do an amount in Town Meeting and in their agreement or somewhere they notify them. If it comes in under budget then our contribution gets reduced by same percentage.

Ms. Richard said she disagrees with that. The FHA is always very thorough in their application and in giving the percentage, they are getting matches from the state and federal government. We have to give a certain percentage to housing and they are the only Applicant that ever comes in. Not that we are throwing the money away, we know the \$40,000 is going for that project. We can't do one thing for this project and another for another project. Mr. Lucas agreed, would need to be in plan or signed agreement, something to consider.

2018 – Oxford School Residences - \$150,000 in account. Remains open as outlined in presentation.

2018 – Town Hall Handicap Door Openers – Wanted it left open last year in case to redo another door, that did not happen, so the remaining \$3,254 will be turned back.

2018 – Revere Bell Restoration – in progress, remain open as outlined in presentation.

Ms. Richard said Mr. Brady is on the call and maybe he wants to speak on it. Mr. Doug Brady said only if there are questions. Mr. Lucas said no questions, we are paying for restoration of the bell to be cleaned and reinstalled. Mr. Brady said also have granite and platform and cradle to be redone at the Vocational High School. Ms. Richard thanked Mr. Brady for the follow-up and appreciates him being at the meeting and recent pictures of the bell.

Mr. Brady said the committee went before the Select Board and Historical Commission and NFIA. The final location is at Town Hall, the Selectmen voted on it. Just a matter of finalizing with Voc Tech and their schedule.

2018 – Sidewalks on William & Walnut in front of Millicent Library – in progress, remains open as outlined in presentation.

Mr. Lavalette said had a discussion that sidewalks and walkways were not CPC fundable. Mr. Foley said these would be the only ones fundable, these are historic sidewalks. Sidewalk at Academy is stamped asphalt.

Mr. Lavalette said we don't have historic sidewalks in Fairhaven, technically no historic districts or sidewalks in town. Not trying to create an argument, gets to a sidewalk here, walkway there, what does it matter if cannot be funded through CPC would need an article at Town Meeting, goes through the taxpayer. We only get \$10,000 to run four buildings and a Fort, all through CPC. If cannot put a walkway in through CPC then has to go to an Article, not sure of the difference.

Mr. Foley said can clearly see the difference between stamped asphalt and the brick sidewalks downtown. Mr. Foley asked if the sidewalks go back to when Town Hall was built. Mr. Lavalette said he believes they do, curbing was there, modified when trees cleared. Mr. Foley said we should find that out, was advised these are the only ones that would be eligible.

Mr. Lucas said looks like original to the building, see in front of all Rogers's buildings, the library, Unitarian Church and Town Hall.

2019 – Anthony Haven Porch and Rails – project completed, submitting for final reimbursement soon

2019 – Millicent Library Interior Restoration – awaiting project update, remains open as outlined in presentation.

Mr. Lavalette asked if anyone has checked the lease on that, funding a lot for that library and not sure what is in the lease agreement what they are responsible for. Year after year they are asking for money. They have endowments, they can raise money and are not like other entities. Wondering how do we figure that out? Mr. Lucas said that is a good question, thinks could come under same type of agreement just made with Unitarian Church.

Ms. Luey said she spoke with someone on that and it is more complicated than she thought. The Town owns the building and the Trustees own the library. The structure itself is a Town building. More to it than that.

2019 – WMFS Carriage House – project in progress, remains open as outlined in presentation. Project report coming soon.

2019 – Nasketucket Monument Restoration - awaiting project update, remains open as

outlined in presentation.

2019 – Town Hall Restoration of Terracotta Finials – still has full \$16,000. Mr. Foley looked for application and could not find. Great project and no documents and needs a proponent, remains open. Need someone to be the champion.

Mr. Lucas said might be better to restore and put in some place in Town Hall not sure you put them back up, they might just come down again. He will look for documents on it.

Ms. Richard said if we have the minutes from 2018 and 2019, they are not on the web. During transition and interim Town Planner seems almost two years missing. Mr. Foley would like to make sure it is all up there.

2019 – High School Window Restoration – phase 3, requested an update from Superintendent, remains open as outlined in presentation. Will update as soon as can.

- c) Continued Discussion on CPC Application, Review and Approval Process
If have ideas please send to Mr. Foley

3. **TENTATIVE FUTURE MEETING SCHEDULE**

Mr. Foley said tentative meeting schedule to review new 2-step application process. Meeting once a month for the next few months. He said in looking through old minutes Ms. Richards had asked if we could post the application before the plan and the answer was we could. In July when we know what the application looks like then we add a letter of interest option and can put that out there. Draft end of July, Plan in August and September and start accepting letters of interest then start reviewing and looking at budget in September. Have deadline be early October, November to have preliminary review and public hearing in December.

Mr. Foley said hopefully this gives more time to look at projects and people more time to submit projects and letters of interest.

Mr. Lucas asked for July 28, 2021 if we wanted to make a motion for that, Ms. Luey made the motion, seconded by Ms. Richard, roll call vote 6-0 in favor, motion passes unanimously.

4. **OTHER BUSINESS:** Any other business that may properly come before the Board, not reasonably anticipated 48 hours prior to the posting of this meeting

Mr. Lucas asked Mr. Foley to make sure Carol Alfonso is added to the website as a member. Mr. Foley said for July 28 will prepare updates for items discussed today. Draft of CPC Plan, Application and Letter of Interest.

Ms. Richard made motion to adjourn meeting, seconded by Mr. Lavalette, vote by raise of hands, all in favor, motion passes.

Respectfully submitted,
Amy Almeida, Recording Secretary