



COMMUNITY PRESERVATION COMMITTEE

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Community Preservation Committee Minutes
February 3, 2021

FAIRHAVEN,
MASS.

1. ADMINISTRATIVE BUSINESS:

a. Chairman's Welcome and Media Notification: Mr. Lucas opened the meeting at 7:03 and read the chairman's welcome and media notification.

b. Quorum/Attendance: Chairperson, Jeffrey Lucas, Ann Richard, Terrence Meredith, Gary Lavalette, Roger Marcoux, Marc Scanlon and Beth Luey.

Town Planner, Paul Foley, was also in attendance.

Absent: Marcus Ferro

c. **Minutes, January 13, 2021-draft** - Mr. Lucas asked for a correction under 'quorum' that Vinnie Furtado, Gerry Rooney and Kristine Sheedy should not be listed there as they are not part of the CPC. He said they can be listed as attendees. Mr. Lucas also brought attention, page 3, Section C - 'other suggestions' should read 'included a threshold in requiring an architect to be a little stricter on the applicants'. Mr. Lucas asked for it to be reworded. Mr. Lucas asked that the seconded for the adjournment be added as Mr. Lavalette.

Ann Richard made a motion to accept the minutes as amended and corrected and was seconded by Beth Luey. The motion passed unanimously via roll call vote.

d. CPC Bills: None.

Ms. Richard asked about a bill that came from CPA for renewing the membership.

Ann Richard made a motion to renew the CPA membership for \$1700 and pay the next year's fee and it was seconded by Beth Luey. The motion passed unanimously via roll call vote.

2. GENERAL BUSINESS:

a. Review of available funding from the State: Mr. Foley reviewed the FY19 Actual CPA Trust Fund Distribution which was a total of \$95,028. He explained the existing balance post appropriations as of June 30, 2020. He said there was potential more turn-back money as well. He reviewed the FY21 10/20 Special Town Meeting Appropriations screen. He's assuming 20% surcharge, and 2.5% growth. He says the monies are not guaranteed.

Mr. Lucas asked to explain the 'surcharge.' Mr. Foley said the state funds a different percentage of the Towns contribution of money every year. Originally it was a 100% match. Now most years it is between 15-25%. He reviewed the estimated FY2021 receipts scenario. Mr. Lucas said that Mr. Foley was using the word "Surcharge", which he calls "Anticipated Revenue".

Mr. Foley estimated FY21 Town Surcharge (FY20 plus 2.5%), which is \$428,587.69, with an estimated FY21 State Trust Fund Match (w/ X% match) could be \$85,717, with a total of \$514,305. He feels it is safe to be conservative as they don't know where the state lies.

Mr. Lucas said that we need to watch not to overspend. He said overestimate on the amount that is contributed. He used the example of \$500,000 total, contributing \$55,000 (more than the 10%) to meet the threshold in the three categories. He said to underestimate the revenue. Mr. Foley said it would be safe to put \$60,000 in all categories as they did last year.

Mr. Foley stated they are assuming working with \$770,000, minus \$60,000 in each category. Ms. Richard suggested taking out of existing funds for the Millicent Library as they have a leak from the current year's funding. Mr. Lucas agreed they do consider those immediate needs.

Mr. Lucas explained there are funds from previous years that haven't been spent. He said those funds could be released after Town Meeting approves, and other monies can't be released until after July 1st, next fiscal year. He explained 10% is funded to the Open space, Community Housing and Historic Preservation and then other funds are added to the 'undesignated fund balance', which is a slush fund.

Mr. Lavalette asked what number they need to come up with. Mr. Lucas said approximately \$850,000. He said they lowball the state match and taxes and overcommit \$60,000 to the three categories.

b. Continued review of FY21 CPC Applications: Mr. Lucas opened up the list to discuss the FY21 CPC Applications. The Committee reviewed the Green Meadow Roof, requested was \$65,000.

Mr. Lavalette asked if they ever came up with a 20-30-40 year roof. Mr. Meredith stated they would get what the state would give them. "It's a lifetime roof," Mr. Foley stated.

Mr. Lavalette asked if that was a critical request for immediate disbursement. Mr. Lucas said they could probably wait.

Ms. Richard made a motion to approve the \$65,000 for the FHA Green Meadows Project for FY2021 and was seconded by Roger Marcoux. The motion passed unanimously via roll call vote.

Mr. Lucas asked if any outstanding questions on the Skate Park.

Roger Marcoux made a motion to approve \$200,000 for the Skate Park (Open Space Designation) and was seconded Terrence Meredith. Motion passed unanimously via roll call vote.

Mr. Lucas asked if there were any questions about the high school window restoration phase 4.

Mr. Meredith made a motion to approve \$70,313 in granting for the High School Window Restoration, Phase 4 and was seconded by Beth Luey. The motion passed unanimously.

Library Project - Ann Richard made a motion to fund the Library Project in the amount requested which is, \$136,360 for the chimney restoration and have it come out of CPC undesignated funds of FY21 and it was seconded by Beth Luey. Motion passed unanimously.

Sidewalk Project, to complete three sides, William and Walnut Streets sides of the Library. Monies requested was \$92,000. Mr. Meredith made a motion to approve \$92,000 for the sidewalk project and was seconded by Roger Marcoux. The motion passed unanimously via roll call vote.

Old Stone School House - \$15,000 request. Ms. Luey motioned to grant \$15,000 to fund the Old Stone School through the Historical Commission and was seconded by Ann Richard. The motion passed unanimously.

Mr. Lucas stated the next three projects could be problematic and should be discussed. Mr. Lucas gave a summary from Attorney Tom Crotty. Mr. Lucas stated there was a lawsuit in Acton about CPC funding stained glass windows at a church that resulted in a hesitancy to fund requests from religious groups, but the lawsuit was not completely resolved. The lawsuit said they could not fund the stained glass windows because they were religious images. On the other hand the Federal Supreme Court says you cannot discriminate. The Community Preservation Coalition suggested we ask Town Counsel to apply a three question test that should be asked to see if something is fundable: Is the purpose of the grant to fund, maintain or aid the church? *(Church meaning religious institution not the building? The answer here is No.* The second question would be is it substantial? *In this case, no, it is a small amount of the overall church budget, less than 10%.* Lastly, would this grant invite the risks that the anti-aid amendment is intended to avoid? *Mr. Crotty again stated no. His opinion is that it is a fundable project.*

Mr. Meredith stated they could add for 'roof only', as a caveat.

Mr. Lavalette stated he had an issue whether the Town financing the next ten years of repairs, etc. He said the Town is having a hard time keeping their own historical buildings in tact never mind a church, not Town owned. He believes it may be a flow of money to start funding.

Mr. Foley stated that what he reads from Tom Crotty is this project is just a small percentage of the overall cost and is fundable. He said they need to be clear that they can't fund the rest of the project.

Mr. Meredith stated he was of the opinion that projects stand on his own merit at the time they are presented and they don't ever deal with future requests. He said they reviewed with their lawyer and he was amenable to it. He referenced the sidewalks that have been brought up in the past and wasn't funded. He said requests stand on their own merit at the time they come before them. He votes wholeheartedly in favor of this project.

Mr. Lucas stated after the votes they've just taken, \$356,000 left over to fund the last three projects. He said there are options and they can always fund something less than what is requested. Mr. Lucas said legally they can't commit to monies in the future regardless of the situation.

Mr. Lavalette stated he thinks they should take care of the Town owned buildings first.

Ms. Luey stated the Manjiro Project may not be fundable this year anyway and suggest they discuss the last three projects before taking any additional votes.

Unitarian Church - requested \$193,400.

With the Manjiro Building Mr. Lavalette said the plans were incomplete and should be delayed until they come up with better plans of the outside.

Mr. Scanlon was curious if Mr. Furtado has addressed the sewer issues around that building.

Mr. Lucas agreed there are other issues they need to be concerned about and thinks this project could be put on hold. Ms. Richard asked if Mr. Rooney withdrew his application officially. Mr. Lucas said that due to the concerns of the committee, he was going to have his architect rework the design. Mr. Lucas said an email does not constitute a change of plan. He thinks it is safe to say they do not have to fund this project.

Mr. Lucas stated based on the application on hand it is incomplete.

Mr. Meredith made a motion to not consider the Manjiro Project at this time and was seconded by Roger Marcoux.

On the question, Mr. Scanlon asked if they vote no right now, if they had to wait to reapply. Mr. Lucas stated there was no beginning stage, they only have a deadline, so an application could be submitted at any time.

The motion passed unanimously via roll call vote.

Academy Building Discussion.

Ms. Richard asked if there has been any forthcoming information from the Historical Commission as they had previously requested.

Mr. Foley said he did not specifically ask Mr. Oliveira to be present for this meeting. Mr. Lucas said there was no additional information.

Ms. Luey said there definitely was time for them to answer the questions in writing and didn't need to be at the meeting. The request for funding asked for was \$190,000; the estimate was \$160,000 with no explanation for the additional \$30K. Ms. Luey stated she thinks it is an incomplete application and cannot be funded at this time.

Mr. Lavalette, who stated he was Vice Chairman of the Historical Commission stated he suggested to that Committee that the architect be present to discuss the project at CPC and was disappointed that they didn't move forward with his suggestion.

Ms. Luey made a motion to not fund the Academy Building at this time and was seconded by Roger Marcoux. The motion passed unanimously.

Ms. Richard stated the accessibility project has started and they are moving forward to the accessibility of the building at this time.

Mr. Lucas brought back the Unitarian Project request at \$193,400.

Mr. Lavalette asked if they had approved the Academy Building they wouldn't have been able to fund the Unitarian Church. Mr. Lucas advised they wouldn't have been able to fund it fully. Ms. Richard said just because they are asking for the amount they are, they could say they are going to fund a certain

amount. She said because they have it doesn't mean they have to fund the project completely. Ms. Richard stated that in future years the group could come back and ask for more.

Mr. Scanlon stated that he has never before heard so much resistance to Henry Huttleston Rogers's buildings in Town. He stated that people come to this town to look at town buildings in awe of the architecture and it is an international interest. He said the committee should be reviewing the quality of the project.

Ms. Luey agrees and stated the Town doesn't own the library technically and they give them monies yearly to keep it upgraded. Mr. Lavalette stated he didn't realize the Town didn't own the library.

Mr. Lucas stated he doesn't see a lot of resistance with Rogers buildings. He said there is some controversy with a church but certainly there has been healthy discussion on the project in his opinion.

Ms. Richard made a motion to approve \$193,400 for the Unitarian Church stabilization and restoration project and was seconded by Mr. Lavalette. The motion passed unanimously.

Mr. Lucas stated it leaves CPC with \$160,000.

Mr. Jerry Rooney joined the meeting at 8:37p.m. He said he was there to answer any questions.

Mr. Lucas stated they no longer have any questions and they have voted to not fund the project at this time. He said per the email they got a few weeks ago they anticipated more information coming from Mr. Rooney and they didn't receive that.

Mr. Rooney stated that he felt discouraged and wasn't asked to bring the information forward.

Mr. Lucas said they discussed other bigger issues that are present at the home. And the details were not enough to fund it via a unanimous vote.

Mr. Foley asked when the drawings would be ready. Mr. Lucas stated that the whole exterior needs to be submitted. Mr. Foley asked if the plans can be submitted at an additional two week meeting to review.

Ms. Richard stated there was a question about the BPW and water that was in the back of the building.

Mr. Rooney stated their engineer, Rick Charon has checked it out and the water is running south into the culvert.

Mr. Scanlon asked if the engineer could also be at their next meeting for discussion.

Mr. Meredith believes they need to vote on what they can vote on. He said he needs to see what they are going to do with the exterior part of the building, that is fundable. Mr. Lucas said a new cost estimate and a new set of plans would need to be reviewed.

Next meeting is tentatively February 24, 2021. Mr. Lucas said they would need the plans and estimate sooner than later.

Mr. Lavalette stated the plans have to be complete for a vote to take place at the next meeting.

Ms. Richard made a motion to reconsider their previous vote on the Manjiro house and review it at their next meeting and was seconded by Beth Luey. The motion passed unanimously via roll call vote.

Mr. Scanlon asked if they should reconsider the unitarian vote; but Mr. Lucas said at this time they did not need to as they don't know what the cost estimate of the Manjiro is going to be as of yet. He said if it's \$150,000 that would be fundable.

c. Discuss Funding Options - Mr. Lucas reviewed where the funding options are coming from. Mr. Foley stated they could discuss at their next meeting. Mr. Lucas said the Library is already voted on where the money is coming from.

d. Draft Budget Administrative: Mr. Foley reviewed the draft budget administrative to approximately \$12,600.00 for the total request. He said the professional services would be approximately \$7,000. Mr. Foley said he would bump up dues/professional gatherings. Ms. Richard stated they have enough money to bump up the budget and should be doing that. She said she would rather have the money in the budget to have professional services so they can use it appropriately.

Mr. Meredith made a motion to increase the budget to \$15,000 with more funding in the dues/professional (\$1700) and the balance in to Professional Services. Ms. Richard second the motion and it passed unanimously via roll call vote.

e. Review CPC Annual Report for Town Meeting - Mr. Lucas made a few corrections and suggestions. He asked that everyone send in suggestions to Mr. Foley.

Beth Luey made a motion to table to the next meeting and it was seconded by Ann Richard. The motion passed unanimously.

f. Discussion of Oxford and Rogers School CPA Funding & Requests - Mr. Lavalette questioned whether the funds could be retracted on the Oxford School. Mr. Lucas didn't think they could retract the funds. He said the application came before them under "Affordable Housing", not the design of the building. They weren't 'funding' a design of the building.

Mr. Foley showed the January 8, 2019 Zoning Board of Appeals minutes, and that in the minutes and the project description the applicant stated MHC required the flat roof.

Ms. Richard stated she attended the ZBA meeting last night and advised that the "roof line" was never discussed at any of the meetings with ZBA. She stated \$200,000 was approved in May 2017 and May 2018. She said that ZBA was going to bring someone from Stratford Group to discuss at a future meeting. She said that she watched the meetings and the "roof line" was never brought up; they discussed "modifications" and it was definitely just about the reduction of units and not the 'roof line'. She said as a CPC member, the vote was not unanimous and they need to be very transparent.

Mr. Lucas stated they would need to view the timeline as well as the funds that were appropriated for the Oxford School funding. Ms. Richard stated her frustrations as well as Mr. Lavalette concurring with her sentiments.

Mr. Lucas stated he would like to see if they could hold funding on the time that it was approved and when it was going to be used. He said at the very least they would have to come back for an extension. He thinks it was done under-handling. Ms. Richard would like to see a letter sent to them to question their interest. Mr. Lucas stated he would like to know if there is a legal issue to withhold the monies, and asked Mr. Foley to look into it. Mr. Lavalette stated the money was approved with the plans that are not as they are currently.

Next Meeting scheduled for February 24, 2021 at 6:30p.m.

Rogers School: Mr. Lavalette

Mr. Scanlon asked to review the clarification of Town owned buildings versus Private projects. Mr. Lucas stated they are bound by the CPA Act which says they can fund private as well as town-owned.

Mr. Lucas said he didn't want to discuss this at any length as there is no application in front of them.

In other business, Mr. Lucas asked Ms. Richard if she has an update regarding the Mattapoissett consultant issue. She stated she will report back at the next meeting.

Mr. Lucas stated he is looking at more details and better cost estimates going forward in applications. He agrees with many things said tonight they need to continue to move forward to be more professional and get the information they need.

Ann Richard made a motion to adjourn and was seconded by Terrence Meredith. The motion passed unanimously at 9:22 p.m.

Respectively,

Patricia A. Pacella