

## Community Preservation Committee

November 1, 2006 - Meeting Minutes

*Committee members present:* George Bailey, Corey Snow, Arnold Cohen, Robert Young, Arnold Kublin, Peg Arguimbau. *Committee members absent:* Janet Sargent-Tracy. *Others present:* See attachment 1.

The meeting started at 6:05 p.m. The minutes of October 24, 2006, were approved unanimously as written.

Mr. Kublin, chair of the Personnel subcommittee, introduced Michele Thoener, prospective CPC secretary, to the Committee members. Mr. Kublin said he would ask the Town Personnel Committee to rate the position higher than the starting grade/step, and that the CPC would provide Ms. Thoener with a laptop (exclusively for Sharon CPC work) as well as an audio recorder for meetings. Mr. Bailey will check with the Town IT department about the specifications they would prefer, and purchasing assistance. Mr. Snow presented a balance sheet (see attachment 2).

Mr. Bailey circulated different spreadsheet scenarios that could model borrowing for 5, 10, 15, 20 years at various rates, fund expenditures, and state match percentages. He said that the state match may stay at 100% for at least two or three more years. He informed the Committee that Town Counsel was drafting a motion to amend Article 2 in the Town Meeting warrant, which asks for a debt exclusion to buy the Horizons For Youth land, to incorporate purchase of several parcels with CPA funds. The motion must delineate the CPA-purchased parcels and their CPA purposes. Borrowing of the CPA funds would be contingent on the debt exclusion's being approved at Town Meeting and an election. He reported that the concern expressed by several people at the Community Preservation Coalition over whether a new item could be introduced for Town Meeting action without timely notice was not germane because the warrant states, "the appropriation shall be raised by borrowing or otherwise." Town Counsel also indicated that Article 5 (other CPC recommendations) was broadly written to accommodate all recommendations that the Committee presented at Town Meeting.

Mr. Gary Bluestein, of Horizons For Youth advocacy group, submitted an application showing how the HFY proposal met CPA criteria and listing a \$4,850,000 total price for the land and a CPA funding request for \$1.2 million. He said the group would like to keep undisturbed the HFY lake-side land, including a lake-side 4.6-acre parcel designated "recreation" in a map supplied by the Selectmen; he added that trails on the camp side of the HFY parcel connect to trails on adjoining Town-owned land. Ms. Arguimbau said keeping the lake-side land undisturbed was a crucial goal of the Conservation Commission; the camp-side ~4.65-acre wetlands strip labeled "conservation" on the map would be protected anyway without CPA restrictions. Mr. Bailey pointed out that "conservation" was a narrower category (in terms of restricting uses) than "open space" (which includes, e.g., park uses). Mr. Snow said applying CPA funds to the three parcels designated on the map would not utilize a CPA feature that allows maintenance and improvement of CPA-acquired land, e.g., if the present flat field on the camp side of HFY were designated for CPA funding, subsequent CPA funding could be requested for improving it into an athletic field (fencing, lighting, etc.). Mr. Bluestein said he believed Selectmen were considering—if the whole HFY 56-acre parcel is purchased by the Town—leasing the camp side of HFY land to private parties interested in establishing a new camp there [permissible for CPA-acquired land, per Mr. Snow]. Ms. Miller asked whether revenues generated from CPA-funded parcels could be returned to the CPA fund; Mr. Snow said, no, revenues would go to the Town's general fund. Mr. Snow mentioned that the ~40 buildings on the HFY property are not in

good repair. Mr. Bluestein said that an agreement would require whoever leased the buildings to be responsible for fixing them to code. Mr. Cohen asked why any parcels designated on the map were proposed for the “recreation” use, i.e., why not all “open space”? Could CPA money be used to refurbish or create new trails on [this and other] Town-owned land? Mr. Snow replied that it could.

Ms. Arguimbau asked if the lake-side land could be designated for both recreation and open space. Mr. Bailey said that for the Town Meeting motion/Article, parcels to be CPA-funded must be delineated and their uses spelled out; and that since CPA-funded purchases must be made for no more than the appraised price, the percentage of total acreage funded by CPA must match the percentage of total price paid by CPA [this applies if all parts of the HFY land are appraised as being of equal value]. On this basis, Ms. Cheyer said, she had calculated that the 9.5 acres designated “recreation” and “conservation” on the map (17% of the whole 56 acres) would justify CPA funding of \$850,000 (17% of an estimated \$5 million total price). Mr. Snow said he doubted that all the acreage composing the HFY parcel is appraised at equal value; lake-side parcels would be much more valuable than others and therefore would justify a higher CPA funding figure, even for fewer acres. No appraisal report has yet been released by the Selectmen.

- ◆ Mr. Cohen moved that the CPC recommend an allocation of \$1 million in CPA funding toward the Town’s purchase of 10± acres of the property known as Horizons For Youth land, contingent upon knowing the final delineation and designated uses of the parcels to be purchased with CPA funds. Vote was unanimously in favor.

Mr. Kublin said the Committee should “give back to the Town” and “prove what CPA can do,” and urged supplying additional funding, as requested in the HFY application.

- ◆ On a motion to amend the previous recommendation to “up to \$1.2 million,” the vote was 4 in favor (Snow, Bailey, Kublin, Cohen), 1 against (Arguimbau), and 1 abstention (Young).
- ◆ On the motion to recommend an allocation of up to \$1.2 million in CPA funding toward the Town’s purchase of 10± acres of the property known as Horizons For Youth land, contingent upon knowing the final delineation and designated uses of the parcels to be purchased with CPA funds, the vote was 5 in favor, 1 abstention (Young).

A majority of the Committee now voted to consider the Massapoag Brook Neighborhood Association proposal for land purchase, which had been tabled at the October 24 meeting. Ms. Lois Miller presented an “adjusted proposal” for \$850,000 in CPA funding (see attachment 3) and MBNA contributions of \$200,000 toward the purchase price of \$1,050,000, as well as a professional appraisal from R.P. Realty Advisors that valued the 11.2-acre Billings Street Land at \$1 million to \$1.45 million. She presented a map showing the location of three half-acre parcels to be purchased by abutters and protected with private conservation restrictions. She spoke of the land’s environmental values and its being part of a greenway connecting a system of trails, water bodies, and habitat. Mary Tobin said there was a time constraint on preserving this land— Zoning Board hearings were due to close, and landowner had set a December 31 deadline—and asked the Committee to allow the proposal to go to Town Meeting. Mr. Appel appealed to the Committee to preserve the land: “development would be a disaster.” Mr. Kublin asked, Is it not the case that the land is protected by Board of Health and Conservation Commission rules? Mr. Cohen explained that under 40B these boards were powerless to enforce the more stringent rules that Town boards (throughout Massachusetts) had put in place because state rules were only minimally protective.

Ms. Arguimbau asked whether the Sharon CPA fund had enough money to borrow for both HFY and MBNA proposals without excessively limiting ability to consider other projects. Messrs. Bailey and Snow said that, considering various borrowing terms, “it is do-able.” For instance, a repayment amount (for \$1.2 million/5 years plus \$850,000/20 years) would be ~\$250,000 for first year, subsequently declining. Nevertheless, Mr. Bailey said, the Committee should consider whether the Billings Street Land was important to the Town, whether it passed “the smell test.” Mr. Young said the CPC had asked for “extra work,” which the MBNA group did. Ms. Arguimbau said the MBNA proposal met the CPA criteria, and the group had worked hard to comply with everything the CPC had asked for—bringing request below \$1 million, public/private partnership, appraisal, a detailed application. She urged the Committee to recommend the proposal and let it go to Town Meeting. Mr. Kublin said the MBNA had presented a good proposal—well done—but that the Committee could not recommend on that basis alone. Mr. Cohen said “I find it a difficult decision to make. The first time [I voted for it], the HFY proposal was not out there. I favor conservation and hate to see any land get developed, but we have to consider priorities and choose a good [action] over a perfect one. There may be better things down the line. I’m not sure that the whole town would be in favor of it.” Mr. Snow said the updated Open Space Plan would identify priorities. Mr. Kublin asked for debate to end.

Mr. Young asked whether the chair could vote, because according to Robert’s Rules of Order there was some doubt about that. (Mr. Bailey said the Committee is not solely using Robert’s Rules.) Mr. Young indicated that the Historical Commission chair did not vote. Ms. Miller asked whether, because Mr. Bailey lives on Glendale Road, he has conflict-of-interest. (He said he does not.) Ms. Arguimbau asked whether e-mail votes could be counted [the absent CPC member, Janet Sargent-Tracy, had indicated via e-mail (see attachment 4) that she was in favor of recommending both HFY and MBNA purchases]. Mr. Bailey said, no, the CPA statute (44B) calls for approval of actions by majority vote of a quorum.

Ms. Arguimbau moved, and Mr. Young seconded, to recommend an allocation of \$850,000 from the open space reserve toward the purchase of the 11.2 acre parcel between Glenview/Glendale Roads and Billings Street. The vote to recommend the purchase of the Billings Street Land was 3 for, 3 against (Snow, Kublin, Bailey). A tie is not “a majority,” so the purchase will not be recommended by CPC.

The Committee decided that at Town Meeting, Mr. Bailey will speak about CPA in general and the Horizons For Youth recommendation in connection with Article 2, and that one proponent and one CP member each will speak on the other recommendations in connection with Article 5.

The next meeting is scheduled for Thursday, November 9, 7 p.m.

The meeting was adjourned at 8:50 p.m.

*Submitted by Alice Cheyer  
Interim Secretary*



land and water resources, wildlife habitat, enhanced trails, neighborhood connections, and a green oasis in the center of town.

The 11.2 acres have been professionally appraised by R.P. Realty Advisors at \$1,000,000 to \$1,450,000. We have withdrawn our hoped-for affordable housing options because of the complexity and difficulty of conclusively determining the legal position with regard to purchase of the house/lot at 9 Glenview at affordable or market rate.

**ATTACHMENT 4 – CORRESPONDENCE**

***E-mail, 10/25/06, Janet Sargent-Tracy to CPC***

Unfortunately, I will be unable to attend the Wed. 11/1 meeting. I will be leaving town that evening (I thought I was heading out of town on Thurs. am). For what it's worth, if nothing drastically new came to light, I was planning on voting positively on both the Horizons and the MBNA land purchases. I believe they are both deserving of CPA funds. I will be at the Thurs. Nov. 9th meeting.

***E-mail, 10/31/06, Bill Heitin to CPC and others***

From: "Heitin, Bill" To: "Sharon Selectmen," "Peg Arguimbau," "George Bailey," "Gary Bluestein," "Ben Puritz"

The Board of Selectmen will not be meeting in executive session tomorrow evening at 6:30. Based on the status of discussions, I have determined that it is appropriate to discuss all items in open session.

Pursuant to the discussion at last week's CPC meeting regarding the funding of \$1.0 million toward the acquisition of the HFY property, attached please find the requested map that has the approximately 9.5 acres designated for both Recreation and Conservation use. Please make this map available to the CPC with a disclaimer that the Selectmen will be voting on it tomorrow evening. I will make color copies if needed. Please advise. Any questions before tomorrow's meeting can be directed to Ben Puritz.

I would also like to inform you that it appears that final negotiations associated with HFY with Goodwill will be complete tomorrow. I would expect that the Selectmen will be taking a final position on both the acquisition and the attached map for CPC funding as the first agenda item during our open session meeting tomorrow evening starting at 7:30. Once we have finalized the negotiation and voted on the acquisition, we will be outlining the complete due diligence and negotiation process, which took almost 12 months to complete, to those in attendance.

I would like to thank each of you in advance for your assistance with this process.

***E-mail excerpt, 11/2/06, George Bailey to CPC***

For the record, regarding the question raised by members on voting by the Chairperson, we cited the precedent of the practice of all decision-making committees and boards that I am familiar with - BOA, PB, BOS, etc. . . . Mention was made of Robert's Rules, a reference for most of us over the years. A quick look at my copy yielded the following, rather more specific than I expected: Under Voting, section 46, "on a tie vote the motion is lost, and the chair, if a member of the assembly, may vote to make it a tie unless the vote is by ballot."

For the record, Corey and I presented the action of the committee to the Selectmen last night at the conclusion of their Brickstone hearing. We are looking for further, more precise definitions of the land to be purchased with CPA funds, either on a dollar measured basis or an acreage basis. We are encouraging planning as much as possible within the short time span before our Nov 9 meeting, and the Selectmen are committed to seek some precise, parcel-related appraisals as well as looking to longer-term applications of follow-on CP funds. Corey's summary of the sections of 44B that are relevant will be a big help in getting a better understanding of this process to us all.

*E-mail excerpt, 11/2/06, Alice Cheyer to CPC*

I don't know about citing the precedents of other boards as a guide to Committee votes; their actions have not been spelled out, so they seem inadequate to serve as a guide. But Mr. Bailey stated at the meeting that the Committee IS NOT following Robert's Rules of Order. The Committee has not discussed whether it should or not, but my conclusion from examining available excerpts from the Internet is that the Committee IS and IS NOT following Robert's Rules. . . . The Robert's Q&A suggests that (although the chair has the right to debate and vote) traditionally the chair when presiding does NOT vote, except in cases where "his vote makes a difference." That would be in the event of, for instance, a 3 - 2 vote, where the chairman CREATES a tie to settle the matter in his preferred direction, which was what happened yesterday, OR, a 3 - 3 tie that the chair BREAKS in his preferred direction. However, other online comments suggest that some groups do not stick to the "traditional." In addition, the statute 44B requires CPC actions to be approved by majority vote, and a tie is not a majority vote.