

**COMMUNITY PRESERVATION COMMITTEE
MEETING MINUTES
THURSDAY, APRIL 12, 2007**

Members Present: Peg Arguimbau, Corey Snow, Robert Young, George Bailey, Arnold Cohen, Janet Sargent-Tracy and Arnold Kublin

Visitors Signed In: Jane Desberg, Laura Nelson, Lois Miller, Paul Skolnik, Susan Rich, Veronica A. Wiseman, Sarah Horton, Maureen Hamilton, Karen Wald, Ron Davidson, Marshall Bradstreet, and Maria Cushman

Meeting called to order at 7:10 pm by Chairman George Bailey, who outlined the agenda.

Secretary's Report: Robert Young

After reviewing the minutes of March 1st, the minutes were moved and approved with Mr. Kublin abstaining due to his absence. The minutes for the March 22nd were discussed. Some slight corrections were made and the minutes, as amended, were moved and approved with Mr. Kublin again abstaining from the vote.

Treasurer's Report: Corey Snow

Report was handed out and made a part of these minutes. Mr. Snow updated us and presented a revised balance sheet. His presentation included discussion at length about our ability to spend and warned that we could not approve all of the projects before us. Mr. Snow suggested that we should consider in the case of final acceptance of the MBNA project proposal that we make a \$50,000 down payment and finance the land purchase with 10 years of debt service. He showed us the total amounts being spent and reiterated that we cannot spend money that we do not have. However, he did check with DOR and we are allowed to make anticipatory expenditures if we are encumbering funds that are coming in. In response to a question of Mr. Kublin with regard to the connection of the state match to borrowing, Mr. Snow indicated that any debt service is not dependent upon the state match. Mr. Snow illustrated our bonding capacity and the Committee concurred that we should fund, if approved, the MBNA project with a \$50,000 down payment.

New Proposals (First Votes):

Water Department/Pumping Station: The Water Department is seeking \$108,900 for funding in this next fiscal year for repairs and rehabilitation of the 1896 building's exterior. This is an estimate for the entire cost. The interior remodel project would be proposed for the following fiscal year. With an estimated price tag of \$350,000 they would seek half of the funds from the CPA funds.

Mr. Snow suggested that we have had concerns that a project of this size and type may have options for other sources of funding and that perhaps we should wait to speak with the consultant we have engaged, Jennifer Goldson, to hear what she might be able to suggest. Mr. Young felt that was a great idea, but that we should actually ask her to look into funding alternatives. Mr. Young moved to table this proposal at least until the next meeting. Ms. Arguimbau seconded the motion. After brief discussion this motion was accepted unanimously.

Recreation Department Proposals: Mr. Cohen was prepared to move on all of these proposals together. Mr. Young asked the Committee to please vote on each of the four requests separately. Mr. Bailey felt that there wasn't any reason that one way would be preferable over another. The Committee agreed to take on each one separately.

#1 \$20,000 to purchase playground equipment for the recreation area at the Community Center: Mr. Cohen moved to ask Town Meeting to approve this expenditure. Mr. Bailey seconded the motion. Discussion: Ms. Arguimbau expressed concern that there were some gray areas regarding all of the Rec. Dept. proposals. Mssrs. Snow and Young felt that with regard to CPA guidelines the playground equipment was fairly clear as was the capability to use funds for the purchase of emergency equipment. They were equally unclear as to expenditures for docks and a sailboat.

Mr. Snow asked the Committee to please seriously consider how much (or how little) funds there are and for us to weigh each request carefully. Mr. Kublin asked Marshall Bradstreet, the town's Recreation Director, when equipment could even be ordered. Mr. Bradstreet felt the earliest would be the Spring of 2008. Mr. Kublin said that we have plenty of time to act on this request and wasn't sure there was any reason to rush to allocate money now. Ms. Arguimbau asked if there was a recreation contingency for this capital expense and Mr. Bradstreet said that there was not one.

This motion was defeated 3-4-0 with Bailey, Cohen and Sargent-Tracy voting in favor; Arguimbau, Kublin, Snow and Young voting to defeat.

Mr. Bailey expressed that the Committee was missing the point of CPA and was concerned that the Committee was turning down exactly the projects that we should be encouraging Town Meeting to consider.

Mr. Cohen moved to ask Town Meeting to approve \$4,000 for the purchase of a new sailboat for the Rec. Dept.'s program. Mr. Bailey seconded the motion. After brief discussion the motion passed 4-3-0 with Bailey, Cohen, Kublin and Sargent-Tracy voting in favor; Arguimbau, Snow and Young opposed.

Mr. Cohen moved to ask Town Meeting to approve \$2,400 for the purchase of a defibrillator to be placed at Memorial Park Beach. Mr. Young seconded the motion. With little discussion this motion passed unanimously.

Mr. Cohen moved to ask Town Meeting to approve the expenditure of \$17,500 to replace docks. Ms. Sargent-Tracy seconded the motion. Discussion: Laura Nelson, attending the meeting as a representative of the Finance Committee wanted to know why the sailing program couldn't pay for a boat or other programs pay for the docks. She also wanted to know if these items were presented to the Capital Outlay Committee for consideration. These did not go before Capital Outlay. Mr. Bradstreet explained that the fees for most of the Rec. Dept. programs cover basic costs and instruction and if the fees took major capital projections into account then the pricing would be unaffordable for most. Ms. Sargent-Tracy wanted to know whether these docks would be used by the boaters or the swimmers (and campers) at the lake. Mr. Bradstreet felt that because of the portability they could be used interchangeably.

This motion passed 4-3-0 with Bailey, Cohen, Kublin and Snow voting in favor; Arguimbau, Sargent-Tracy and Young opposed.

School Department Proposals: Mr. Bailey informed that the Superintendent's office had asked to withdraw their projects because they were under the impression that we would need to borrow funds to accommodate them. After this misinformation was cleared up they decided to drop one project which had to do with an interior courtyard at the high school because they felt that the proposal, as submitted, would not fit the CPA criteria.

Sarah Horton, who had presented a proposal seeking help with funds to rebuild the playground area at Heights Elementary School a few meetings back, got up to speak on her project. She explained that while the group that has formed to take this project on is committed to raising private funds for this project, the cost is so high that it would take several years to accumulate the funds and the need for a playground is so great here. Mr. Bailey concurred and pointed out that this is the only playground area in this large expanse of town.

Many questions were asked by members of the public as well as Committee members about the validity of the plans and the effectiveness of the groups ability to raise funds. Karen Wald spoke, as a parent living in that part of town, and indicated that this committee needs to know that it can count on funds from CPA now. This money would help to attract donors. Ms. Horton indicated that the friends group has already collected \$10,000 and that they had hoped to have at least \$15,000 before years end. If they could count on half of the funds coming from CPA funds it would not only help them raise funds, but it would allow them to begin ordering equipment sooner for the kids to enjoy.

Mr. Cohen moved to ask Town Meeting to approve \$40,000 for the upgrade of the playground at the Heights Elementary School with the understanding that members of the committee supporting this project will have to raise the balance of funds required for the project's completion. Mr. Kublin seconded the motion. The motion passed 4-2-1 with Bailey, Cohen, Kublin and Sargent-Tracy voting in favor; Snow and Young opposed; Arguimbau abstaining.

Mr. Bailey moved to ask Town Meeting to approve the expenditure of \$10,000 for walkway lights between the high school and Memorial Park Beach. With no second the proposal is removed from consideration.

Unitarian Church Proposal: Mr. Bailey temporarily vacated his seat as Chair and on the Committee because of the conflict of interest in being a member of the proponent's church.

Mr. Cohen moved to ask Town Meeting to approve the expenditure of \$51,580 for the cost of a special elevator that would give universal access to the anchor building in Sharon's First Historic District. Ms. Sargent-Tracy seconded the motion. Discussion: Mr. Kublin thought that renovations required the church to comply with ADA and that the elevator was automatically needed. It was explained that this project actually emanated from the desire of the church's leaders to make the building accessible for universal use.

Mr. Snow felt that using public funds for a private religious building was a gray area. He cited a Supreme Court Case from 1947 which discussed the separation of church from state and the difficulty in using public funds to aid religious groups. Though he did note that there were exceptions such as the use of federal funds for the refurbishment of the Old North Church in Boston in 1975.

Mr. Young said that the Unitarian Church was more than a private religious institution. The church in Sharon dates to 1737 and the current structure was dedicated in 1842. Because it is a part of a Local Historic District its significance has to do with the structure itself, not the nature of its use. Even private homes in an historic district qualify for things such as government sponsored low interest loans and grants. Mr. Young went on further to explain that this particular group has opened its doors to the entire community for many years, noting that other religious groups use the facilities for celebrations and that the Unitarian Church has hosted numerous cultural events. Mr. Young assured the Committee that there was no gray area when it came to using public funds to support historic structures.

Mr. Kublin expressed some concerns that this might not be a proper use of CPA funds. Mr. Cohen said that he was prepared to vote on this but would like more information provided at our second reading on this funding. This motion passed with a vote of 4-2-1 with Arguimbau, Cohen, Sargent-Tracy and Young voting in favor; Kublin and Snow opposed; Bailey abstaining.

Second Reading (2nd Vote):

Housing Trust Proposal: Consultant, Jennifer Goldson, joined the committee at the meeting table. Ms. Goldson provided the Committee with information on other communities that have both enacted CPA and have Housing Trusts. There are of course as many different ways that these two groups interact as there are participants. We looked at two extremes. A study of a model used in Lincoln showed that the relationship between the CPC and Housing Trust was one where the Trust got money from CPC for a very specific use that was closely monitored by the CPC. The other extreme is that a few town's CPC voted to give funds to the trustees of the Trust in order to have opportunity funds – money available for the purchase of or conversion to affordable housing units.

Some of the Committee members were concerned that if we released funds to the Housing Trust we would be giving up control and how could we be sure that the uses of those funds would be used specifically for CPA appropriate uses.

Jane Desberg, Chair of the Sharon Housing Partnership, said that any use of funds by the Housing Trust, would absolutely meet the requirements of CPA. The CPC, Housing Trust, Partnership and Authority all have similar goals when it comes to affordable housing needs. Ms. Desberg reiterated the fundamental need to have a board (Trust) that could be proactive in helping to fund affordable housing was very important and that part of the problem in Sharon, historically, is that we are always having to be reactive.

Ms. Arguimbau moved to defer the 2nd vote until the next meeting. Ms. Sargent-Tracy seconded the motion. With no discussion the vote passed 6-1-0 with Mr. Young being the only one opposed.

At this point the Committee spoke with Ms. Goldson about our predicament with the Water Dept. proposal. The Committee charged Ms. Goldson to look into grant options for historic preservation of the building and will look forward to hearing what she was able to find out.

MBNA Proposal: Mr. Bailey announced that just prior to our meeting he had a conversation with Town Counsel's office regarding the developments with the Zoning Board of Appeals, and how the Avalon Bay certificate has played a role in this project. Town Counsel, having seen a new appraisal by Joel Tran on the Glendale land, has determined that the appraisal is not valid. Paul Skolnik, speaking on behalf of MBNA, said that their legal counsel felt that the appraisal, completed prior to the ZBA hearing, was valid.

Ms. Arguimbau noted that we have an appraisal before us that shows the highest and best use of the land from a valid appraiser who took the entire situation into account. We discussed that “denial” of the 40(b) application is still only an avoidance for a year of this topic. Mr. Cohen agreed that the courts often rule against municipalities in these cases, but that the certification of Avalon coupled with the Housing Production Plan that the state approved for Sharon in 2005 means that there is no longer any urgency on this issue.

Resident, Maria Cushman, asked the Committee to remember that this is still an opportunity for us to buy and preserve this unique parcel in the center of town. After much discussion Ms. Arguimbau suggested and moved that we also postpone a 2nd vote on this proposal until our meeting on 4/26 in the hopes that we would know more about the situation by then and to give MBNA the chance to seek another appraisal that does not take into account the 40(b). Mr. Kublin seconded the motion and it passed unanimously.

Other Business: Mr. Cohen moved that we ask Town Meeting to approve allocating 5% of CPA funds to be used for administrative purposes. Ms. Sargent-Tracy seconded. Discussion: Any monies allocated for administrative use that goes unspent reverts back to the general fund at the end of the fiscal year, but this means that we won't have any funds. This passed unanimously.

Mr. Young moved that we ask Town Meeting to allocate \$57,000 of funds to be earmarked for use with historic preservation from the last fiscal year. Ms. Arguimbau seconded. Discussion: Historic Preservation was the only area that in the first fiscal year we did not allocate the minimum of 10%. This amount represents the minimum amount unused and that it requires a Town Meeting vote to place the money where it is supposed to be. This is merely an administrative function. This passed unanimously.

Mr. Bailey spoke about a citizen's initiative petition on the Town Warrant which seeks to expand the size of the CPC. Mssrs. Bailey and Snow are 2 of 10 petitioners for this Article. Most of the state's CP Committees have 9 members whereas Sharon has 7. Originally the proposal was to have the Selectmen appoint two more members, but Mr. Snow convinced the proponents that they should change the request to have one more Selectmen's representative and one more Moderator representative.

Mr. Kublin asked why we are discussing this if it is not being brought to Town Meeting by this Committee. Ms. Arguimbau said that she would likely speak in opposition to this Article. Mr. Young said that he is not opposed to enlarging the Committee, but is opposed to any more representation by the Selectmen. He felt that a solid 1/3 block would be representing specifically the Selectmen and hopes to amend the proposal to delete the Selectmen's representative and replace it with an appointee from the Finance Committee.

Ms. Arguimbau moved to adjourn at 11:00 pm. Seeing that everyone else seconded, we were adjourned.

Respectfully submitted,

Robert S. Young, Clerk