

Community Preservation Committee meeting **Minutes, June 5, 2012**

Present: Janet Chayes (Chair), Eve Endicott, Malcolm Corse, Bob Anderson, Marcelle Morgan, David Barten, and Polly Byers (newest member)

The meeting began at 3:00 in the Town Hall as posted. There were seven items on the agenda:

(1) Changes in personnel and assignments --Janet mentioned several changes that had occurred or were about to take place. First, David has requested that he be relieved of writing the minutes, given his new assignment with the Field Board of organizing and cataloging the library's archives. Bob volunteered on a provisional basis to try his hand at writing the minutes, but asked if the assignment could begin with the next meeting. This was acceptable to all.

Janet said that Eve had become a member of the Housing Committee, and was now its representative to the CPA, thus opening a position for a new at-large member.

This new member will be Polly Byers, who has lived in town on Newhall Road for about five years. She has been involved in the South River group and was "discovered" at the South River clean-up where she had volunteered. By way of introducing herself, Polly detailed her bio, which has included work for the U.S. Agency for International Development (USAID) and has worked in international development around the world, especially in Africa. Polly resigned from the USAID and is now a self-employed consultant engaged in helping private and public agencies in the same kind of work. She has considerable experience in organizing aid projects, monitoring progress and writing reports.

Janet mentioned that she intended to resign from the Committee, not immediately but in a phased withdrawal. As one of the founders of the Committee, having served as a member for ten years, and for the last several as Chair, she felt it was time to move on and pursue her special interest, which is working directly for the Friends of the South River.

The discussion that followed began with an expression of surprise and loss about Janet's decision, then focused on how a phased withdrawal could be carried out. Also, did Janet have any one in mind to take her place? She said her choice was David, who indicated that he was oldest on the Committee after Malcolm, and said that desirably a younger person should be Chair. The subject of Janet's resignation and the process of identifying a new Chair will be left to the next meeting.

The discussion shifted to the future course of the Committee, and what might lie in store. It was noted that with Eve's becoming a member of the Housing Committee and its rejuvenation, a project for senior housing might finally emerge, which the CPC could help bring into being. Malcolm noted that such a project was what he wished for, and that senior housing was the reason he had become a founding member of the CPC. He noted that what had prevented any such project from becoming a reality over the past decade was that Conway's elderly don't want to leave their homes. It was mentioned that there may be a change in the wind, because John O'Rourke and Rick Bean as new selectmen were both interested in housing for the elderly, and that an informal committee led by Ruth Parnall has been meeting and addressing the very question of how seniors could stay in their homes, and for those who could not, or did not want to, how they could remain in Conway. The next phase of the CPC's work might be to support efforts at creating housing for seniors.

(2) Freedom from Religion—This is the name of a Foundation in Madison, Wisconsin, one of whose staff attorneys sent a letter to both Janet and Malcolm requesting all relevant documents related to the decision by the CPC to direct \$100,000 to the Congregational Church to help fund its restoration. The documents were requested under the Massachusetts Public Records Law, and Janet and Malcolm had ten days from the

receipt of the letter to respond. The Committee was informed that Janet, Malcolm and David had taken up the matter with the Selectmen on Monday, the 4th, at their meeting. The Selectmen, having been informed in advance of the problem, had decided to assume responsibility for responding. It was decided by the Board and the CPC reps that in accord with provisions of the law, an invoice would be sent for anticipated costs in collecting relevant documents and sending them to the foundation. In addition, a statement voted on March 7, 2012 by the Historic Commission testifying to the historic nature of the Cong. Church would be included. Janet and Tom Spiro were to compose a letter from the Select board to the staff attorney.

(3) Janet was asked to review for the newer members of the CPC the mechanism by which the CPA program was funded statewide. Also, how Conway's matching share was determined, and tax money raised in the Town. Here it was described how the State fills a pot through charging \$5 for all real estate sales and the subsequent recording of deeds. This pot is divided among those towns that have accepted the CPA program, the responsibility of the town being to raise funds through adding a surcharge to residents' property tax of either 3% or 1.5% of an individual's tax, depending on what the town has decided. Initially, the State's match was 100% of what the town itself raised, but now the State's match for Conway is only 22%, because there are many more towns sharing in the pot, and the pot is smaller because of the downturn in the economy and slowdown in real estate transactions. Janet said there were efforts in the Legislature to provide a guaranteed match to towns. Janet described how the revenues received through the Town's tax surcharge and the State's match were pooled and then first directed to each of four categories – Open Space, Housing, Parks and Recreation, and Preservation, a set percentage being placed in each category. The remaining amount was placed in a general fund that could be used as needed to support projects in one or more of the categories, or saved in anticipation of large projects.

(4) Restriction—Eve had been working with the Town's attorney on how to formulate a restriction on the funds directed to the Congregational Church, which will assure that the money will be used as intended, guarantee that the Church facility will continue to be available as a community center into the future, and preserve the historic nature of the structure. The idea of a perpetual preservation restriction had been rejected, because the Selectboard felt that the Town would not want to be required by the state to enforce such a restriction in perpetuity and also because review and approval of such restrictions by the State's Historic Commission are known to take up to two years. The Trustees of the church need the funds immediately. Eve presented a draft of a more realistic and appropriate restriction, which would include two essential provisions: --(1) a "term" restriction that would protect the exterior of the Church for of thirty years (the time period suggested by Church and CPA member Malcolm Corse) and, if released after that (or prior to that in an extreme hardship situation), would call for paying back the CPA grant and (2) a right of first refusal for the town that would be triggered if the Church had to be sold at any point . A discussion followed essentially endorsing the above described approach. Eve indicated that she would send a draft of a proposed restriction by e-mail to Committee members for reaction.

(5) Pool—Marcelle, as ConCom rep, was asked to report on the pool project. She said that she urged the members of the Pool Association to hire an expert in the permitting process, thereby moving the project along faster. ConCom cannot do this for the Association, and in giving its approval has done about all it can do, given its mandate. Marcelle said that a glitch having to do with the hazard risk posed by the dam is likely to make the permitting process more complicated. The Association had thought the dam was categorized as "low risk," but has since learned that the Army Corps of Engineers considered it "high risk." Marcelle will continue to work with the members of the Association, but hopes they will hire the expert.

(6) The minutes for the meetings of January 30 and March 6 were approved. When asked if minutes had been written for the CPA Hearing on February 23, 2012, David said no, but that he would write a set and send a draft around.

(7) Signs—Janet mentioned that both the Pool Association and the Church Trustees should be told about the need for signs that say that the money they have received for their projects comes from Community Preservation Funds. These should be large enough to be read at a distance, and made to be permanent.

There being no other business, Janet ended the meeting at 4:30 pm.

Respectfully submitted,

David Barten, secretary