



Town of Barnstable Community Preservation Committee

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Lindsey Counsell, Chair
Laura Shufelt, Vice Chair

Marilyn Fifield, Clerk
Alisha Parker, Project Coordinator

Monday, February 27, 2012

Public Hearing APPROVED MINUTES

Town Council Hearing Room at 367 Main Street, Hyannis at 5:30 pm
Meeting called to order at 5:33 pm

Members present: Lindsey B. Counsell, Richard Sawyer, Tom Lee, Paula Schnepf, Terry Duenas and Town Council Liaison Janet Joakim, Marilyn Fifield, Sue Rohrbach and Laura Shufelt
Member absent: Paul R. Curley

Minutes: Motion duly made by Laura Shufelt and seconded by Terry Duenas to approve the minutes of the Regular Public Hearing held on Monday January 23, 2012 as amended. Aye: Unanimous, Absent: Sue Rohrbach (during vote)

Correspondence and Other Materials Received:

Letters of Support, Old Selectmen's Building
Photos of JFK Museum Portico, Jim Hadley, Hadley Crow Studio
West Parish Memorial Foundation Report, Jim Hadley, Hadley Crow Studio
Putnam Pathway Project, Putnam Avenue, Cotuit Lauren Kanzer
Open Meeting Law Correspondence, Ruth Weil, Town Attorney
Letters of Support, Trayser Heritage Museum
Town Council Workshop Minutes
Letters of Support, Hyannis Public Library

Financial Update, Finance Director Mark Milne - Mark Milne provides the Committee with the Schedule of Continuing Appropriations as of February 27, 2012 (Exhibit #1). The statement shows that there is a balance of \$3,185,000 available and is broken down as follows: open space \$1,220,000, historic resources \$1,375,000 and community housing \$590,000. While working with other Departments, it is up to the Committee to determine when remaining funds will be returned to the categories.

Discussion of Contingencies and Soft Costs, DPW Director Mark Ells - Mark Ells, Director of Public Works, delineates hard costs and soft costs of the DPW projects. Hard costs deal with the actual construction portion of the project and soft costs include items such as design, permitting, bidding, project management oversight during the project as well as capitally funded positions associated with each project. There is a contingency of about 6% -10% set aside for soft costs. Project estimates are based on several resources which are used, as a rule, for each proposed project until the project is bid and actual hard numbers are submitted. Generally DPW applications come in with a 20% soft cost base plus a 12% profit. Ells states that the 12% profit is generally carried on the estimated construction amount. CPC members request that project estimates itemize the soft costs. Chair Counsell suggests having DPW come before the Committee when there is a total project and actual project cost. Mark Ells would like to work with the Committee to determine the scope of the work and determine what is eligible for funding. The only pitfall would be procurement issues; if there are no funds available for the project, it could be an issue with the 149 procurement law. Town Hall and the School Administration Building are fully funded to be maintained appropriately following their CPA-funded work, but Ells states that there are other Town structures that are not fully funded that are maintained by DPW. Pursuing grants is very important to the DPW in order to leverage all upcoming projects, he said.

Discussion on Letters of Intent and Applications - The Committee would like to review and prioritize all the letters of intent and applications at once before any decisions are made regarding funding. First Assistant Town Attorney David Houghton provided a written document containing legal opinions (Exhibit #2) on several of the

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projects before the CPC. Applicants will receive a breakdown of the decisions based on their project and will be requested to answer the questions for the next meeting.

- Trayser Heritage Museum – CPA funding is eligible and there are CIP funds also being sought.
- Old Selectmen's Building – Mark Marinaccio states that the plan is to lift the structure and repair the foundation. DPW received a copy of the support letter that was submitted by Hank Farnham for review. The estimated \$60,000 that is present in the gift account is going towards payment of the foundation.
- JFK Museum Portico – The portico is eligible for CPA funding as it is part of the building and it is located in the National Register Historic District. Marinaccio shows a photo of the sign that is part of the structure. Eligibility of the flag pole rehabilitation will be determined; as it may not be mentioned in the Register. The Legal Department did provide an opinion on the hanging light fixture and flagpole monument that it may be properly considered.
- Osterville Bay School – The property has not transferred care and custody and will need a Legal Opinion
- Affordable Accessory Apartment – The letter of intent will continue to be considered by the Legal Department.
- 71 Pleasant Street, Hyannis – The BHA request has been in the queue for quite some time and the Committee should determine whether or not to recommend it for funding.
- Hyannis Public Library – As the library is also a private nonprofit, it is eligible for CPA funding only once, in the opinion of the Legal Department, as only a single Historic Preservation Restriction is possible, presumably on just the historic Ora Hinckley portion, not on the entire building.
- West Parish Memorial Foundation - Lucy Loomis, grant writer, and Georgia Lonkart, Planning Committee Chair for the foundation, are informed that this "single funding qualification" would also apply to this project, based on the opinion by David Houghton, due to their nonprofit and private corporation status. It is possible that Massachusetts Historical Commission (MHC) would place a restriction on the entire building, not just the roof and the bell tower. Chair Counsell suggests that the Planning Committee explore the rest of the building to see if there would be additional work in the future that could be requested for funding. They will review the project and come back to the Committee with a comprehensive project. West Parish is also pursuing MHC funding for a professional condition assessment of the building.
- Coleman Paintings Project – Historical Commission needs to determine significance for eligibility.
- Sail Cape Cod, Inc. – The letter of intent has been withdrawn and they may return in the future.

David Houghton will be in direct communication with the applicants regarding the legal questions posed at the meeting. The Committee would like to have the eligibility opinions at least one week before the next meeting of March 26, 2012.

General Discussion / New Business - Richard Sawyer submits a sub-committee report into the record from the Athletic Field Study Subcommittee meeting (Exhibit #3). Historic Signage Installation will begin in the near future and Chair Lindsey B. Counsell will be working directly with the project coordinators regarding the installation.

Closing Public Comment - None

Declaration of Executive Session – "I, Lindsey Counsell, declare that an open meeting may have a detrimental effect on the negotiating position of the Town with respect to the purchase, exchange, lease, financing, or value of real property and all subjects which may be revealed without compromising the purpose for which the Executive Session was called. I will accept a motion to go into Executive Session.

"I, Laura Shufelt, move to go into Executive Session to discuss strategy with respect to the purchase, exchange, lease, value or financing of real property and that the Chair declare that an open meeting may have detrimental effect on the bargaining position of the Town, and not to reconvene in Open Session" and was seconded by Paula Schnepf. **Vote:** Richard Sawyer- Aye, Lee- Aye, Rohrbach-Aye, Lindsey Counsell-Aye, Laura Shufelt-Aye, Fifield-Aye, Schnepf-Aye, Terry Duenas-Aye.

Open Session Meeting adjourned at 6.58 pm

Respectfully Submitted, Alisha Parker, CPC Project Coordinator

Exhibits:

Schedule of Continuing Appropriations as of February 27, 2012 (Exhibit #1)

Legal Opinions (Exhibit #2)

Athletic Field Study Subcommittee Update, Richard Sawyer (Exhibit #3)