



Town of Barnstable
COMMUNITY PRESERVATION COMMITTEE

www.town.barnstable.ma.us/CommunityPreservation
Email: CommunityPreservationCommittee@town.barnstable.ma.us



Committee Members

Lindsey B. Counsell – Chair • Laura F. Shufelt – Vice Chair • Marilyn Fifield – Historical Commission • Terry Duenas – At Large • Sue Rohrbach – At Large
Vacant – Planning Board • Tom Lee – Conservation Commission • Richard Sawyer – Recreation Commission • Deborah Converse – Housing Authority
Will Crocker – Town Council Liaison

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Monday, November 28, 2016

Regular Public Hearing – APPROVED Minutes

BARNSTABLE TOWN CLERK

367 Main Street, Hyannis, MA - 2nd Floor – Selectmen's Conference Room

5:30 PM

Lindsey Counsell – Chair	Present
Laura Shufelt – Vice Chair	Present
Marilyn Fifield – Clerk	Present
Terry Duenas	Present
Tom Lee	Present
Sue Rohrbach	Absent
Richard Sawyer	Present
Deborah Converse	Present
William Crocker, Town Council Liaison	Present

Call to Order

With a quorum present, Chair Lindsey Counsell called the meeting to order at 5:30 pm. Chair Counsell then read into record: "Please note that tonight's meeting is recorded and broadcast on Channel 18 and, in accordance with MGL Chapter 30A, s.20, I must inquire whether anyone is taping this meeting and to please make their presence known." No one present was recording the meeting.

Minutes

A motion was made by Richard Sawyer and seconded by Tom Lee to approve the draft Community Preservation Committee meeting minutes of October 24, 2016, as submitted. Motion passed with Deborah Converse abstaining.

Letters of Intent

Letter of Intent from the Federated Church of Hyannis requesting \$54,100 for the 1st Phase of its project to restore, protect and preserve the Universalist Cemetery located on the property. Phase 1 work is to inventory, map and assess the condition of approximately 383 gravestones and to replace and extend the current fencing.

Ms. Pam Brown and Rev. John Terry were present, and Ms. Brown explained the need for a revised Letter of Intent due to the discovery of the existence of more gravestones since the original Letter of Intent was before the Committee back in May, 2016, thus increasing the funding sought. Richard Sawyer noted the total project cost of \$55,100 and confirmed that the Federated Church was providing cash. He inquired if any historical organizations have been contacted for possible grant funding, and Ms. Brown replied that so far they have received many letters of support and that the church intends to seek funds from other sources after an assessment is done to outline the required

work and its total cost, with phases prioritized to do the most important work first. Mr. Sawyer asked that the church inform CPC of the total cost, once determined. Laura Shufelt expressed concern regarding the eligibility of fencing, the need for the project to be open to the public, and the required Historic Preservation Restriction to the Town, and she recommended discussing these issues with the Town Attorney. Ms. Brown explained that the fence would have two gates, with one for pedestrians and one for cars, along with signs posting the hours the cemetery is open. She said the Barnstable Police Department will patrol the area, with the gates unlocked but closed. Marilyn Fifield expressed the support of the Barnstable Historical Commission for historic cemetery restoration, adding that the project should be eligible for a State grant through the Massachusetts Historical Commission, with a February 2017 deadline and awards to be announced in June 2017. She noted the reimbursement grant requires applicants to have secured 100% of the funding, with State reimbursement of 50% if the grant is awarded.

A motion was made by Richard Sawyer and seconded by Laura Shufelt to advance the Letter of Intent of the Federated Church seeking \$54,100 in Historical Preservation funds for Phase 1 to the full Application stage. Motion carried with a unanimous vote. Applicant was advised to meet with the Legal Department before filing the application.

Applications

Application from the Growth Management Director requesting \$75,000 in Community Housing funds to provide additional CPA funding for the existing Preservation of Affordable Housing project. The Preservation of Affordable Housing project was initially funded in 2006, but funds are now depleted after preserving 3 affordable units, with a 4th imminent.

Ms. Arden Cadrin, Growth Management Housing Coordinator, explained that the application seeks to replenish funds for the existing Preservation of Affordable Housing project, as the funds are nearly depleted. She explained that the funds are used whenever a deed-restricted affordable house comes up for resale and has an older deed restriction based on a formula using an appraised value to set the resale price. With appraised values rising, she noted, the formula cannot keep the unit affordable to an income-eligible household at 80% of the median income. The Preservation of Affordable Housing project provides "buy down" funds to reduce that price to what is affordable to a household at 80% of the median. In answer to Mr. Sawyer's inquiry, Ms. Cadrin added that the older deed restriction also allows that unit to be sold out of affordability if it is not sold to an income-eligible buyer within a specified period of time, resulting in the loss of these affordable units, with the State receiving the excess proceeds. She said the funding needed is determined case by case, depending on price and the deed-rider formula, with a universal deed rider then replacing the old LIP that uses appraised value. In response to Tom Lee's inquiry, Ms. Cadrin said that the average amount of funding used to "buy down" the price has been \$15,000 in the past, but, most recently, \$50,000 has been needed. Laura Shufelt noted that the properties with the older deed riders do not come up for resale very often.

A motion was made by Laura Shufelt and seconded by Terry Duenas to recommend to the Town Council for appropriation the request of the Growth Management Director for \$75,000 in Community Housing funds to replenish the Preservation of Affordable Housing project fund.

Application from Town of Barnstable Community Services Director requesting an additional \$25,918.20 to complete the renovation and improvement of the Barnstable Skate Park bowls located at the Hyannis Youth & Community Center (HYCC).

Assistant DPW Director Mark Marinaccio and Community Services Director Lynne Poyant provided a PowerPoint presentation, reminding of the 2015 appropriation of \$71,911 in CPA funds to complete the resurfacing of two basketball courts; straighten two light poles and replace lighting fixtures; install a new shed and repair the skate park concrete bowls. Ms. Poyant explained that repairing the concrete skate bowls requires specialized contractors, and the funds were insufficient for all those projects. She said the current estimate from April 2016 for repair of the bowls is \$44,000, and with \$26,231 remaining from the original allocation, an additional \$25,918.20 is required to complete the repair. Mr. Marinaccio explained that the gate will be repaired and put back, with contingency funds covering the cost and with no management fees. He added that the bowls will be sealed annually using the Recreation budget for maintenance, and he noted that the installation of lighting has halted vandalism. Ms. Poyant noted that the park is now closed until Spring when she hopes to have a grand opening.

A motion was made by Terry Duenas and seconded by Tom Lee to recommend to the Town Council the request of the Town of Barnstable Community Services Director for an additional \$25,918.20 in Open Space/Recreation funds to complete the renovation and improvement of the Barnstable Skate Park bowls located at the Hyannis Youth & Community Center (HYCC). Motion carried with a unanimous vote.

General Discussion

Stuart Saginor, Executive Director of the Community Preservation Coalition, provided a PowerPoint presentation tracing the evolution of the Community Preservation Act. He explained the formation of the non-profit Coalition and its purpose, noting that the web page www.communitypreservation.org has a Technical Assistance tab for members to use as a resource for information regarding project eligibility, restrictions, etc. Mr. Saginor reported that on November 8, 2016, another 11 out of a possible 16 additional communities voted to adopt the Community Preservation Act, bringing the total to 172 Commonwealth cities and towns, representing 49%, with 0 communities revoking the Act. Mr. Saginor reported that through FY 2016, there have been over 9,000 projects approved and \$1.75 billion raised, explaining that the State website contains community CP-3 reporting that tracks CPA projects. He further noted that the popularity of CPA has increased with the 2012 CPA legislative amendments allowing rehabbing of existing recreation facilities, \$100K surcharge relief for small businesses, and flexibility for 10% open-space reserve accounts, with cities like Boston, Somerville, Chelsea and Springfield having adopted CPA since 2012. With the adoption of CPA in major cities, he

said there is a new block of legislators at the State House who represent communities that have CPA. Mr. Saginor expressed concern that the CPA Trust Fund and its annual distribution are at a record low, funded by the recording of documents at the Registries of Deeds along with State Budget surplus funds, which were nonexistent in 2016. He further noted that as more towns pass CPA, less money is available from the State for each. Mr. Saginor stated that the future of CPA hinges on stabilizing the Trust Fund, and he considered the 2017 Legislative Session to be critical.

Mr. Saginor referred to an Amendment to the State Constitution (Anti-Aid Amendment) that prohibits granting public funds to private entities, including churches, but he noted that case law has established that public funds maybe given to private entities for public purposes. He shared the details of a lawsuit in the Town of Acton that involved the granting of funds for two religious buildings, along with a lawsuit in the Town of Norwell that determined sidewalks were considered primarily infrastructure and not for recreation.

In answer to questions from the Committee, Mr. Saginor recalled that the Town of Marshfield spent \$400,000 to \$500,000 for one accessible playground that represented the most expensive CPA playground in memory. He stated that the final decision of allowable uses of CPA funds lies with the Town Attorney, and he complimented the CPC on involving the Town Attorney in CPA applications, noting that the CPC not only decides eligibility of projects but also evaluates their value to the Town, and then recommends to the Town Council for their deliberation and vote.

Closing Public Comment:

None.

Adjournment

A motion was made by Laura Shufelt and seconded by Tom Lee to adjourn. Meeting adjourned at 7:14 p.m.

Next Regularly Scheduled CPC Meeting – December 19, 2016

List of documents/exhibits used by the Committee at the meeting

- Exhibit #1 - Draft CPC Meeting Minutes – October 24, 2016
- Exhibit #2 – Letter of Intent – Federated Church of Hyannis
- Exhibit #3 - Application – Preservation of Affordable Housing Project - GMD
- Exhibit #4 – Application – DPW - Town of Barnstable Skate Park Bowls Add'l (HYCC)
- Exhibit #5 – PowerPoint Presentation – DPW – Skate Park Add'l Funding Request
- Exhibit #6 – PowerPoint Presentation – CPA Update for Barnstable – Community Preservation Coalition

Respectfully submitted,

Ellen M. Swiniarski
Administrative Assistant
Community Preservation Committee
Edited by CPC Clerk Marilyn Fifield

Please Note: The list of matters are those reasonably anticipated by the chair, which may be discussed at the meeting. Not all items listed may be discussed and other items not listed may also be brought up for discussion to the extent permitted by law. It is possible that if it so votes, the Committee may go into executive session. The Committee may also act on items in an order other than they appear on this agenda.

* Public files are available for viewing during normal business hours at the Community Preservation office located at 367 Main Street, Hyannis, MA